STATE OF ILLINOIS

HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-FIFTH GENERAL ASSEMBLY

61ST LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

FRIDAY, MAY 25, 2007

10:07 O'CLOCK A.M.

HOUSE OF REPRESENTATIVES
Daily Journal Index
61st Legislative Day

The House met pursuant to adjournment.
Speaker of the House Madigan in the chair.
Prayer by Assistant Doorkeeper of the House Wayne Padget.
Representative Washington led the House in the Pledge of Allegiance.
By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:
115 present. (ROLL CALL 1)

By unanimous consent, Representatives Graham and Patterson were excused from attendance.

REQUEST TO BE SHOWN ON QUORUM

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Soto, should be recorded as present at the hour of 9:30 o'clock a.m.

LETTER OF TRANSMITTAL

May 25, 2007

Mark Mahoney
Chief Clerk of the House
402 State House
Springfield, IL 62706

Dear Clerk Mahoney:

Please be advised that I am extending the Final Action Deadline to May 31, 2007 for the following House Bills:

House Bills: 119, 122, 123, 124, 125, 127, 128, 191, 311, 391, 396, 429, 475, 969, 1134, 1283, 1322, 1331, 1427, 1432, 1445, 1466, 1631, 1669, 1696, 1826, 1884, 2135, 2233, 2362, 2584, 2616, 2755, 2995, 3079, 3170, 3453, 3605 and 3679.

If you have questions, please contact my Chief of Staff, Tim Mapes, at 782-6360.
With kindest personal regards, I remain.

Sincerely yours,
s/Michael J. Madigan
Speaker of the House

May 25, 2007

Mark Mahoney
Chief Clerk of the House
402 State House
Springfield, IL 62706

Dear Clerk Mahoney:

Please be advised that I am extending the Final Action Deadline to May 31, 2007 for the following Senate Bills:

SENATE BILLS 4, 9, 12, 13, 20, 26, 27, 33, 48, 50, 54, 57, 65, 66, 68, 77, 83, 101, 113, 119, 120, 128, 133, 138, 150, 153, 155, 162, 165, 194, 198, 206, 211, 222, 243, 259, 270, 309, 310, 325, 326, 327, 357, 365, 381, 384, 385, 388, 389, 391, 420, 433, 434, 437, 439, 456, 484, 487, 488, 489, 493, 519, 527, 529, 531, 543, 544, 546, 571, 574, 576, 581, 591, 644, 647, 662, 719, 725, 733, 774, 778, 794, 797, 809, 810, 811, 824, 826, 829, 831, 835, 842, 844, 856, 877, 934, 940, 942, 996, 1006, 1041, 1167, 1180, 1183, 1184, 1227, 1228, 1248, 1250, 1276, 1287, 1299, 1305, 1317, 1324, 1327, 1347, 1361, 1362, 1369, 1370, 1380, 1381, 1383, 1400, 1414, 1415, 1418, 1422, 1424, 1426, 1446, 1448, 1452, 1457, 1468, 1481, 1509, 1511, 1514, 1518, 1529, 1539, 1559, 1568, 1581, 1617, 1656, 1680, 1686, 1697 and 1704.

If you have questions, please contact my Chief of Staff, Tim Mapes, at 782-6360.
With kindest personal regards, I remain.

Sincerely yours,
s/Michael J. Madigan
Speaker of the House

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Washington replaced Representative Flowers in the Committee on Drivers Education & Safety on May 25, 2007.

Representative Nekritz replaced Representative Hamos in the Committee on Smart Growth & Regional Planning on May 25, 2007.

Representative Fortner replaced Representative Mathias in the Committee on Smart Growth & Regional Planning on May 25, 2007.

Representative Kosel replaced Representative Sommer in the Committee on Local Government on May 25, 2007.

Representative Meyer replaced Representative Cole in the Committee on Human Services on May 25, 2007.

Representative Eddy replaced Representative Dunn in the Committee on Judiciary I - Civil Law on May 25, 2007.

Representative Harris replaced Representative Hamos in the Committee on Judiciary I - Civil Law on May 25, 2007.

Representative Crespo replaced Representative Bradley, John in the Committee on Judiciary I - Civil Law on May 25, 2007.

Representative Eddy replaced Representative Dunn in the Committee on Judiciary I - Civil Law on May 25, 2007.

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on May 25, 2007, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to HOUSE BILL 765.
Amendment No. 2 to SENATE BILL 19.

Amendment No. 2 to SENATE BILL 62.
Amendment No. 1 to SENATE BILL 108.
Amendment No. 1 to SENATE BILL 149.
Amendment No. 4 to SENATE BILL 244.
Amendment No. 2 to SENATE BILL 340.
Amendment No. 1 to SENATE BILL 473.
Amendment No. 1 and 2 to SENATE BILL 526.
Amendment No. 2 to SENATE BILL 705.
Amendment No. 1 to SENATE BILL 1245.
Amendment No. 1 to SENATE BILL 1487.

That the Motion be reported "recommends be adopted" and placed on the House Calendar:
Motion to Table Amendment No. 2 to SENATE BILL 1592.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Adoption Reform: SENATE BILL 68.
Executive: HOUSE BILL 2584.
Health Care Availability and Access: HOUSE BILL 311.
Revenue: SENATE BILLS 797 and 835.

LEGISLATIVE MEASURES REASSIGNED TO COMMITTEE:

SENATE BILL 1041 was recalled from the Committee on Environment & Energy and reassigned to the Committee on Revenue.

The committee roll call vote on the foregoing Legislative Measures is as follows:
4, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson
A Hannig(D)
Y Turner(D)
Y Black(R), Republican Spokesperson
Y Hassert(R)

REPORTS FROM STANDING COMMITTEES

Representative Holbrook, Chairperson, from the Committee on Public Utilities to which the following were referred, action taken on May 25, 2007, reported the same back with the following recommendations:
That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to SENATE BILL 680.
The committee roll call vote on Amendment No. 1 to Senate Bill 680 is as follows:
8, Yeas; 0, Nays; 0, Answering Present.

A Collins(D), Chairperson
Y Watson(R), Republican Spokesperson
Y Bost(R)
Y Coladipietro(R)
A Franks(D)
A Jefferson(D)
Y Sullivan(R)
Y Holbrook(D), Vice-Chairperson
Y Biggins(R)
A Davis, Monique(D)
Y Crespo(D)
Y Jefferies(D)
A Saviano(R)

Representative Chapa LaVia, Chairperson, from the Committee on Local Government to which the following were referred, action taken on May 25, 2007, reported the same back with the following recommendations:
That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to SENATE BILL 620.

The committee roll call vote on Amendment No. 2 to Senate Bill 620 is as follows:
7, Yeas; 2, Nays; 0, Answering Present.

N Chapa LaVia(D), Chairperson
Y Mathias(R), Republican Spokesperson
Y Fortner(R)
Y Riley(D)
Y Kosel(R) (replacing Sommer)
Y Tryon(R)
N Flider(D), Vice-Chairperson
Y Ford(D)
Y Mautino(D)
A Ryg(D)
A Tracy(R)

Representative Flowers, Chairperson, from the Committee on Health Care Availability and Access to which the following were referred, action taken on May 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to HOUSE BILL 119.

The committee roll call vote on Amendment No. 2 to House Bill 119 is as follows:
8, Yeas; 0, Nays; 0, Answering Present.

Y Flowers(D), Chairperson
Y Osmond(R), Republican Spokesperson
Y Dugan(D)
Y Harris(D)
Y Krause(R)
Y Leitch(R) (replacing Mulligan)
A Tryon(R)
A May(D), Vice-Chairperson
Y Crespo(D)
A Golar(D)
A Howard(D)
A McGuire(D)
Y Watson (R) (replacing Sommer)

Representative Gordon, Chairperson, from the Committee on Smart Growth & Regional Planning to which the following were referred, action taken on May 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 4 to HOUSE BILL 1134.

The committee roll call vote on Amendment No. 4 to House Bill 1134 is as follows:
6, Yeas; 0, Nays; 0, Answering Present.

Y Gordon(D), Chairperson
A Meyer(R), Republican Spokesperson
Y Nekritz(D) (replacing Hamos)
Y Poe(R)
Y Tryon(R)
A Flowers(D), Vice-Chairperson
Y Chapa LaVia(D)
Y Fortner(R) (replacing Mathias)
A Riley(D)

Representative D'Amico, Chairperson, from the Committee on Drivers Education & Safety to which the following were referred, action taken on May 25, 2007, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 1318.

The committee roll call vote on Senate Bill 1318 is as follows:
10, Yeas; 0, Nays; 0, Answering Present.

Y D'Amico(D), Chairperson
Y Brauer(R), Republican Spokesperson
A Brady(R)
Y McAuliffe(R)
Y Mendoza(D)
Y Ramey(R)
Y Ryg(D), Vice-Chairperson
Y Boland(D)
Y Washington(D) (replacing Flowers)
Y McGuire(D)
Y Mitchell, Bill(R)

Representative Jakobsson, Chairperson, from the Committee on Human Services to which the following were referred, action taken on May 25, 2007, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: SENATE BILL 175.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: SENATE BILL 15.

That the resolution be reported ”recommends be adopted” and be placed on the House Calendar: SENATE JOINT RESOLUTION 26.

The committee roll call vote on Senate Bills 15 and 175 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson
Y Bellock(R), Republican Spokesperson
Y Collins(D)
Y Flowers(D)
Y Riley(D)
Y Howard(D), Vice-Chairperson
Y Meyer(R) (replacing Cole)
Y Coulson(R)
Y Froehlich(R)

The committee roll call vote on Senate Joint Resolution 26 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson
Y Bellock(R), Republican Spokesperson
Y Collins(D)
Y Flowers(D)
Y Riley(D)
Y Howard(D), Vice-Chairperson
Y Cole(R)
Y Coulson(R)
Y Froehlich(R)

Representative Molaro, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on May 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported “recommends be adopted”:
Amendment No. 1 to HOUSE BILL 2755.

The committee roll call vote on Amendment No. 1 to House Bill 2755 is as follows:

7, Yeas; 0, Nays; 0, Answering Present.

Y Molaro(D), Chairperson
A Lindner(R), Republican Spokesperson
A Durkin(R)
A Gordon(D)
Y Jefferies(D)
A Reis(R)
A Wait(R)
A Collins(D), Vice-Chairperson
Y Chapa LaVia(D)
Y Golar(D)
Y Howard(D)
Y Reboletti(R)
Y Sacia(R)

Representative Franks, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on May 25, 2007, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: SENATE BILL 767.

That the Floor Amendment be reported “recommends be adopted”:
Amendment No. 1 to SENATE BILL 753.

That the resolutions be reported ”recommends be adopted” and be placed on the House Calendar: SENATE JOINT RESOLUTIONS 1, 3, 5, 21 and 30.

The committee roll call vote on Amendment No. 1 to Senate Bill 753 is as follows:

6, Yeas; 5, Nays; 0, Answering Present.

Y Franks(D), Chairperson
N Froehlich(R), Republican Spokesperson
Y Collins(D)
Y Gordon(D)
N Myers(R)
N Ramey(R)
Y Dugan(D), Vice-Chairperson
Y Bradley, John(D)
Y Davis, Monique(D)
N Krause(R)
N Pritchard(R)

The committee roll call vote on Senate Joint Resolutions 1, 3, 5, 21, 30 and Senate Bill 767 is as follows:

11, Yeas; 0, Nays; 0, Answering Present.

Y Franks(D), Chairperson
Y Froehlich(R), Republican Spokesperson
Y Collins(D)
Y Gordon(D)
Y Myers(R)
Y Ramey(R)
Y Dugan(D), Vice-Chairperson
Y Bradley, John(D)
Y Davis, Monique(D)
Y Krause(R)
Y Pritchard(R)

Representative Fritchey, Chairperson, from the Committee on Judiciary I - Civil Law to which the following were referred, action taken on May 25, 2007, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 229, 593 and 1435.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 234 and 337.

The committee roll call vote on Senate Bill 229 is as follows:

12, Yeas; 0, Nays; 0, Answering Present.

Y Fritchey(D), Chairperson
Y Rose(R), Republican Spokesperson
Y Coladipietro(R)
Y Gordon(D)
A Hoffman(D)
Y Mathias(R)
Y Osmond(R)
Y Crespo(D) (replacing Bradley,J)
Y Brosnahan(D)
A Dunn(R)
Y Harris(D) (replacing Hamos)
Y Lang(D)
Y Nekritz(D)
Y Wait(R)

The committee roll call vote on Senate Bill 234 is as follows:

11, Yeas; 2, Nays; 0, Answering Present.

Y Fritchey(D), Chairperson
Y Rose(R), Republican Spokesperson
Y Coladipietro(R)
Y Gordon(D)
Y Hoffman(D)
Y Mathias(R)
Y Osmond(R)
N Crespo(D) (replacing Bradley,J)
A Brosnahan(D)
Y Eddy(R) (replacing Dunn)
Y Harris(D) (replacing Hamos)
N Lang(D)
Y Nekritz(D)
Y Wait(R)

The committee roll call vote on Senate Bill 337 is as follows:

14, Yeas; 0, Nays; 0, Answering Present.

Y Fritchey(D), Chairperson
Y Rose(R), Republican Spokesperson
Y Coladipietro(R)
Y Gordon(D)
Y Hoffman(D)
Y Crespo(D) (replacing Bradley,J)
Y Brosnahan(D)
Y Eddy(R) (replacing Dunn)
Y Harris(D) (replacing Hamos)
Y Lang(D)

Y Mathias(R)
Y Osmond(R)
Y Nekritz(D)
Y Wait(R)

The committee roll call vote on Senate Bill 593 is as follows:
13, Yeas; 0, Nays; 0, Answering Present.

Y Fritchey(D), Chairperson
Y Rose(R), Republican Spokesperson
Y Coladipietro(R)
Y Gordon(D)
Y Hoffman(D)
Y Mathias(R)
Y Osmond(R)
Y Crespo(D) (replacing Bradley,J)
Y Brosnahan(D)
A Dunn(R)
Y Harris(D) (replacing Hamos)
Y Lang(D)
Y Nekritz(D)
Y Wait(R)

The committee roll call vote on Senate Bill 1435 is as follows:
8, Yeas; 3, Nays; 0, Answering Present.

N Fritchey(D), Chairperson
Y Rose(R), Republican Spokesperson
Y Coladipietro(R)
Y Gordon(D)
Y Hoffman(D)
Y Mathias(R)
Y Osmond(R)
N Crespo(D) (replacing Bradley,J)
A Brosnahan(D)
A Dunn(R)
N Harris(D) (replacing Hamos)
Y Lang(D)
Y Nekritz(D)
A Wait(R)

RE-REFERRED TO THE COMMITTEE ON RULES

The following bills were re-referred to the Committee on Rules pursuant to Rule 19(a) HOUSE BILLS 8, 14, 24, 34, 35, 115, 116, 135, 154, 159, 185, 193, 197, 228, 231, 246, 262, 283, 313, 323, 329, 372, 380, 381, 384, 386, 390, 392, 394, 441, 474, 477, 480, 498, 520, 559, 658, 659, 671, 677, 683, 693, 704, 730, 731, 750, 758, 765, 780, 789, 790, 791, 796, 801, 814, 818, 829, 868, 873, 875, 880, 899, 918, 922, 944, 945, 946, 994, 998, 1006, 1026, 1028, 1077, 1078, 1101, 1112, 1118, 1143, 1144, 1248, 1252, 1258, 1271, 1275, 1277, 1282, 1291, 1299, 1302, 1304, 1305, 1309, 1320, 1328, 1329, 1343, 1360, 1365, 1383, 1398, 1421, 1431, 1437, 1438, 1467, 1470, 1478, 1479, 1503, 1506, 1508, 1510, 1518, 1526, 1613, 1614, 1619, 1622, 1652, 1653, 1668, 1678, 1687, 1697, 1703, 1730, 1736, 1746, 1755, 1757, 1772, 1777, 1779, 1786, 1818, 1825, 1831, 1834, 1836, 1841, 1845, 1849, 1865, 1885, 1939, 1941, 1950, 1962, 1974, 1977, 1983, 1985, 1987, 1999, 2003, 2008, 2009, 2012, 2020, 2026, 2069, 2072, 2134, 2140, 2163, 2166, 2185, 2187, 2201, 2207, 2214, 2253, 2293, 2302, 2303, 2315, 2377, 2419, 2470, 2564, 2632, 2664, 2670, 2798, 2800, 2801, 2926, 2948, 2949, 2955, 2958, 2967, 2970, 2972, 2974, 3010, 3042, 3126, 3128, 3196, 3278, 3279, 3288, 3298, 3312, 3335, 3341, 3380, 3387, 3397, 3422, 3424, 3433, 3445, 3461, 3475, 3476, 3491, 3570, 3603, 3608, 3616, 3620, 3645, 3647, 3648, 3650, 3652, 3653, 3657, 3662, 3668, 3676, 3724, 3737, 3738, 3739, 3740, 3741, 3742, 3743, 3744, 3745, 3746, 3747, 3748, 3749, 3750, 3751, 3752, 3753, 3754, 3755, 3756, 3757, 3758, 3759, 3760 and 3767.

MOTIONS SUBMITTED

Representative Cultra submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 1116.

Representative Hassert submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 39.

Representative Watson submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 2 to HOUSE BILL 570.

Representative Sacia submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 1403.

Representative Tracy submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 174.

Representative Dunn submitted the following written motion, which was placed on the Calendar on the order of Concurrence:

MOTION

I move to non-concur with Senate Amendment No. 2 to HOUSE BILL 722.

Representative Cross submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 3730.

Representative Kosel submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 3412.

Representative Hernandez submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendments numbered 2 and 3 to HOUSE BILL 1641.

Representative Sacia submitted the following written motion, which was placed on the order of Motions:

MOTION

I move to table Amendment No. 1 to SENATE BILL 1260.

Representative Flowers submitted the following written motion, which was placed on the Calendar on the order of Motions:

MOTION

Pursuant to Rule 25, I move to suspend the posting requirements in Rule 25 in relation to HOUSE BILL 311.

STATE MANDATES FISCAL NOTES SUPPLIED

State Mandates Fiscal Notes have been supplied for SENATE BILLS 499, 715 and HOUSE BILL 1101, as amended.

LAND CONVEYANCE APPRAISAL NOTE SUPPLIED

Land Conveyance Appraisal Notes have been supplied for SENATE BILLS 4 and 1007.

PENSION NOTE SUPPLIED

A Pension Note has been supplied for SENATE BILL 4.

HOME RULE NOTES SUPPLIED

Home Rule Notes have been supplied for SENATE BILL 715 and HOUSE BILL 1101, as amended.

BALANCED BUDGET NOTES SUPPLIED

Balanced Budget Notes have been supplied for SENATE BILLS 4, 262, 499, 1360 and 1697.

FISCAL NOTES SUPPLIED

Fiscal Notes have been supplied for SENATE BILLS 262, 488, 499, 627, 753, as amended, 1007 and 1448.

JUDICIAL NOTES SUPPLIED

Judicial Notes have been supplied for SENATE BILLS 4, 1007 and 1592, as amended

CORRECTIONAL NOTES SUPPLIED

Correctional Notes have been supplied for SENATE BILLS 262, 488, 499 and 627.

REQUEST FOR FISCAL NOTE

Representative Froehlich requested that a Fiscal Note be supplied for SENATE BILL 753, as amended.

Representative Black requested that a Fiscal Note be supplied for SENATE BILL 1448.

REQUEST FOR CORRECTIONAL NOTE

Representative Froehlich requested that a Correctional Note be supplied for SENATE BILL 753, as amended.

Representative Ramey requested that a Correctional Note be supplied for SENATE BILL 1348, as amended.

REQUEST FOR JUDICIAL NOTE

Representative Froehlich requested that a Judicial Note be supplied for SENATE BILL 753, as amended.

REQUEST FOR STATE DEBT IMPACT NOTE

Representative Froehlich requested that a State Debt Impact Note be supplied for SENATE BILL 753, as amended.

REQUEST FOR JUDICIAL NOTE

Representative Granberg requested that a Judicial Note be supplied for SENATE BILL 689.

FISCAL NOTE REQUEST WITHDRAWN

Representative Boland withdrew his request for a Fiscal Note on SENATE BILL 627.

CORRECTIONAL NOTE REQUEST WITHDRAWN

Representative Boland withdrew his request for a Correctional Note on SENATE BILL 627.

MESSAGES FROM THE SENATE

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1517

A bill for AN ACT concerning juveniles.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 1517

Passed the Senate, as amended, May 25, 2007.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 1517 on page 9, lines 2 and 3, by replacing "upon becoming law" with "on July 1, 2008".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 1517 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1499

A bill for AN ACT concerning transportation.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 1499

Senate Amendment No. 2 to HOUSE BILL NO. 1499

Passed the Senate, as amended, May 25, 2007.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 1499, on page 1, by replacing lines 7 through 18 with the following:

"Sec. 11-1426. Operation of all-terrain vehicles and off-highway motorcycles on streets, roads and highways.

(a) Except as provided under this Section, it shall be unlawful for any person to drive or operate any all-terrain vehicle or off-highway motorcycle upon any street, highway or roadway in this State.

(a-1) It shall not be unlawful for any person to drive or operate any all-terrain vehicle upon any county roadway or township roadway for the purpose of conducting farming operations to and from the home, farm, farm buildings, and any adjacent or nearby farm land. An all-terrain vehicle that is operated on a county or township roadway at any time between one-half hour before sunset and one-half hour after sunrise must be equipped with head lamps and tail lamps, and the head lamps and tail lamps must be lighted.".

AMENDMENT NO. 2. Amend House Bill 1499, on page 1, line 5, by replacing "Section 11-1426" with "Sections 11-1426 and 11-1426.1"; and

on page 3, below line 16, by inserting the following:

"(625 ILCS 5/11-1426.1)

Sec. 11-1426.1. Operation of neighborhood ~~electric~~ vehicles on streets, roads, and highways.

(a) As used in this Section, "neighborhood ~~electric~~ vehicle" means a self-propelled, electronically powered four-wheeled motor vehicle (or a self-propelled, gasoline-powered four-wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) which is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which conforms to federal regulations under Title 49 C.F.R. Part 571.500.

(b) Except as otherwise provided in this Section, it is unlawful for any person to drive or operate a neighborhood ~~electric~~ vehicle upon any street, highway, or roadway in this State. If the operation of a neighborhood ~~electric~~ vehicle is authorized under subsection (d), the neighborhood ~~electric~~ vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This subsection (b) does not prohibit a neighborhood ~~electric~~ vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b-5) A person may not operate a neighborhood ~~electric~~ vehicle upon any street, highway, or roadway in this State unless he or she has a valid Illinois driver's license issued in his or her name by the Secretary of State.

(c) No person operating a neighborhood ~~electric~~ vehicle shall make a direct crossing upon or across any highway under the jurisdiction of the State, tollroad, interstate highway, or controlled access highway in this State.

(d) A municipality, township, county, or other unit of local government may authorize, by ordinance or resolution, the operation of neighborhood ~~electric~~ vehicles on roadways under its jurisdiction if the unit of local government determines that the public safety will not be jeopardized. The Department may authorize the operation of neighborhood ~~electric~~ vehicles on the roadways under its jurisdiction if the Department determines that the public safety will not be jeopardized.

Before permitting the operation of neighborhood ~~electric~~ vehicles on its roadways, a municipality, township, county, other unit of local government, or the Department must consider the volume, speed, and character of traffic on the roadway and determine whether neighborhood ~~electric~~ vehicles may safely travel on or cross the roadway. Upon determining that neighborhood ~~electric~~ vehicles may safely operate on a

roadway and the adoption of an ordinance or resolution by a municipality, township, county, or other unit of local government, or authorization by the Department, appropriate signs shall be posted.

If a roadway is under the jurisdiction of more than one unit of government, neighborhood ~~electric~~ vehicles may not be operated on the roadway unless each unit of government agrees and takes action as provided in this subsection.

(e) No neighborhood ~~electric~~ vehicle may be operated on a roadway unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of this Code) on the rear of the neighborhood ~~electric~~ vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. When operated on a roadway, a neighborhood ~~electric~~ vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of this Code.

(f) A person who drives or is in actual physical control of a neighborhood ~~electric~~ vehicle on a roadway while under the influence is subject to Sections 11-500 through 11-502 of this Code.

(Source: P.A. 94-298, eff. 1-1-06.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 1499 were placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1491

A bill for AN ACT concerning transportation.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 1491

Passed the Senate, as amended, May 25, 2007.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 1491, on page 4, line 2, by replacing "Notwithstanding" with "Upon receipt of an engineering study for the part or zone of highway in question from the county engineer, and notwithstanding"; and

on page 4, line 7, by replacing "appropriate" with "reasonable and safe".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 1491 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1319

A bill for AN ACT concerning insurance.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 1319

Senate Amendment No. 3 to HOUSE BILL NO. 1319

Passed the Senate, as amended, May 25, 2007.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 1319 on page 7, by replacing lines 16 through 21 with the following:
"declared to be the public policy of this State that parties to a contract for the sale of residential real property who are obligated to provide and pay for title insurance have the right to choose the title insurance company and title insurance agent that will provide such title insurance. No provider of title insurance, as the term is defined in this Act, shall, as a condition of making a".

AMENDMENT NO. 3. Amend House Bill 1319, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, lines 8 and 9, by replacing "provider of title insurance" with "lender or producer of title business".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 3 to HOUSE BILL 1319 were placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1259

A bill for AN ACT concerning community revitalization.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 1259
Passed the Senate, as amended, May 25, 2007.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 1259 on page 3, by replacing lines 18 through 20 with the following:
"for the purposes of this Act. Up to 18 Board members may be appointed from the following vital sectors:"; and
on page 5, by replacing line 12 with the following:
"(c) One third of the initial appointees shall serve for 2 years, one third shall serve for 3 years, and one third shall serve for 4 years, as determined by lot. Subsequent appointees shall serve terms of 5 years.
(d) The Board shall create a 3-year to 5-year".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 1259 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 982

A bill for AN ACT concerning public aid.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 982

Passed the Senate, as amended, May 25, 2007.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 2. Amend House Bill 982 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Human Services Act is amended by adding Section 10-55 as follows:

(20 ILCS 1305/10-55 new)

Sec. 10-55. Report; children with developmental disabilities, severe mental illness, or severe emotional disorders. On or before March 1, 2008, the Department shall submit a report to the Governor and to the General Assembly regarding the extent to which children (i) with developmental disabilities, mental illness, severe emotional disorders, or more than one of these disabilities, and (ii) who are currently being provided services in an institution, could otherwise be served in a less-restrictive community or home-based setting for the same cost or for a lower cost. The Department shall submit bi-annual updated reports to the Governor and the General Assembly no later than March 1 of every even-numbered year beginning in 2010.

Section 10. The Illinois Public Aid Code is amended by changing Sections 5-2.05 and 12-4.36 as follows:

(305 ILCS 5/5-2.05)

Sec. 5-2.05. Children with disabilities ~~Disabled children~~.

(a) The Department of Healthcare and Family Services, in conjunction with the Department of Human Services, ~~Public Aid~~ may offer, to children with developmental disabilities or children with severe mental illness or severe emotional disorders ~~and severely mentally ill or emotionally disturbed children~~ who otherwise would not qualify for medical assistance under this Article due to family income, home-based and community-based services instead of institutional placement, as allowed under paragraph 7 of Section 5-2.

(b) The Department of Healthcare and Family Services ~~Public Aid~~, in conjunction with the Department of Human Services and the Division of Specialized Care for Children, University of Illinois-Chicago, shall submit a bi-annual ~~also~~ report to the Governor and the General Assembly no later than January 1 of every even-numbered year, beginning in 2008, ~~2004~~ regarding the status of existing services offered under paragraph 7 of Section 5-2. This report shall include, but not be limited to, the following information:

~~(1) The number of persons eligible for these services.~~

~~(2) The number of persons who applied for these services.~~

(1) ~~(3)~~ The number of persons who currently receive these services.

(2) ~~(4)~~ The nature, scope, and cost of services ~~provided under paragraph 7 of Section 5-2~~.

(3) ~~(5)~~ The comparative cost of providing those services in a hospital, skilled nursing facility, or intermediate care facility.

(4) ~~(6)~~ The funding sources for the provision of services, including federal financial participation.

(5) ~~(7)~~ The qualifications, skills, and availability of caregivers for children receiving services.

(6) The number of children who have aged out of the services offered under paragraph 7 of Section 5-2 during the 2 years immediately preceding the report.

~~The report shall also include information regarding the extent to which the existing programs could provide coverage for mentally disabled children who are currently being provided services in an institution who could otherwise be served in a less restrictive, community based setting for the same or a lower cost.~~

(Source: P.A. 93-599, eff. 8-26-03; revised 12-15-05.)

(305 ILCS 5/12-4.36)

Sec. 12-4.36. Pilot program for persons who are medically fragile and technology-dependent.

(a) Subject to appropriations for the first fiscal year of the pilot program beginning July 1, 2006, the Department of Human Services, in cooperation with the Department of Healthcare and Family Services, shall adopt rules to initiate a 3-year pilot program to (i) test a standardized assessment tool for persons who are medically fragile and technology-dependent who may be provided home and community-based services to meet their medical needs rather than be provided care in an institution not solely because of a severe

mental or developmental impairment and (ii) provide appropriate home and community-based medical services for such persons as provided in subsection (c) of this Section. The Department of Human Services may administer the pilot program until June 30, 2010 ~~2009~~ if the General Assembly annually appropriates funds for this purpose.

(b) Notwithstanding any other provisions of this Code, the rules implementing the pilot program shall provide for criteria, standards, procedures, and reimbursement for services that are not otherwise being provided in scope, duration, or amount through any other program administered by any Department of Human Services or any other agency of the State for these medically fragile, technology-dependent persons. At a minimum, the rules shall include the following:

(1) A requirement that a pilot program participant be eligible for medical assistance under this Code, a citizen of the United States, or an individual who is lawfully residing permanently in the United States, and a resident of Illinois.

(2) A requirement that a standardized assessment for medically fragile, technology-dependent persons will establish the level of care and the service-cost maximums.

(3) A requirement for a determination by a physician licensed to practice medicine in all its branches (i) that, except for the provision of home and community-based care, these individuals would require the level of care provided in an institutional setting and (ii) that the necessary level of care can be provided safely in the home and community through the provision of medical support services.

(4) A requirement that the services provided be medically necessary and appropriate for the level of functioning of the persons who are participating in the pilot program.

(5) Provisions for care coordination and family support services that will enable the person to receive services in the most integrated setting possible appropriate to his or her medical condition and level of functioning.

(6) The frequency of assessment and plan-of-care reviews.

(7) The family or guardian's active participation as care givers in meeting the individual's medical needs.

(8) The estimated cost to the State for in-home care, as compared to the institutional level of care appropriate to the individual's medical needs, may not exceed 100% of the institutional care as indicated by the standardized assessment tool.

(9) When determining the hours of medically necessary support services needed to maintain the individual at home, consideration shall be given to the availability of other services, including direct care provided by the individual's family or guardian that can reasonably be expected to meet the medical needs of the individual.

(c) During the pilot program, an individual who has received services pursuant to paragraph 7 of Section 5-2 of this Code, but who no longer receives ~~receive~~ such services because he or she has reached the age of 21, may be provided additional services pursuant to rule if the Department of Human Services, Division of Rehabilitation Services, determines from completion of the assessment tool for that individual that the exceptional care rate established by the Department of Healthcare and Family Services under Section 5-5.8a of this Code is not sufficient to cover the medical needs of the individual under the home and community-based services (HCBS) waivers for persons with disabilities.

(d) The Department of Human Services is authorized to lower the payment levels established under this Section or take such other actions, including, without limitation, cessation of enrollment, reduction of available medical services, and changing standards for eligibility, that are deemed necessary by the Department during a State fiscal year to ensure that payments under this Section do not exceed available funds. These changes may be accomplished by emergency rulemaking under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply.

(e) The Department of Human Services must make an annual report to the Governor and the General Assembly with respect to the persons eligible for medical assistance under this pilot program. The report must cover the State fiscal year ending on June 30 of the preceding year. The first report is due by January 1, 2008. The report must include the following information for the fiscal year covered by the report:

(1) The number of persons who were evaluated through the assessment tool under this pilot program.

(2) The number of persons who received services not available under the home and community-based services (HCBS) waivers for persons with disabilities under this pilot program.

(3) The number of persons whose services were reduced under this pilot program.

(4) The nature, scope, and cost of services provided under this pilot program.

(5) The comparative costs of providing those services in other institutions.

(6) The Department's progress in establishing an objective, standardized assessment tool for the HCBS waiver that assesses the medical needs of medically fragile, technology-dependent adults.

(7) Recommendations for the funding needed to expand this pilot program to all medically fragile, technology-dependent individuals in HCBS waivers.

(8) Subject to appropriation or the availability of other funds for this purpose, participant experience survey information for persons with disabilities who are participating in this pilot program and for persons with disabilities who are not participating in the pilot program but who are currently receiving services under the home and community-based services (HCBS) waiver and who have received services under paragraph 7 of Section 5-2 of this Code.

This report may be submitted as part of the report required by subsection (b) of section 5-2.05 of this Code.

(Source: P.A. 94-838, eff. 6-6-06.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 982 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1406

A bill for AN ACT concerning regulation.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 1406

Passed the Senate, as amended, May 25, 2007.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 1406 by replacing everything after the enacting clause with the following:

"Section 5. The Auction License Act is amended by changing Sections 5-10, 10-1, 10-5, 10-15, 10-20, 10-25, 10-27, 10-30, 10-35, 10-40, 10-45, 10-50, 20-5, 20-15, 20-20, 20-25, 20-30, 20-35, 20-40, 20-45, 20-50, 20-55, 20-60, 20-65, 20-70, 20-75, 20-80, 20-85, 20-90, 20-95, 25-5, 25-10, 25-15, 30-5, 30-10, 30-15, 30-20, 30-25, 30-30, 30-40, 30-45, 30-50, and 30-55 and by adding Section 20-100 as follows:

(225 ILCS 407/5-10)

(Section scheduled to be repealed on January 1, 2010)

Sec. 5-10. Definitions. As used in this Act:

"Advertisement" means any written, oral, or electronic communication that contains a promotion, inducement, or offer to conduct an auction or offer to provide an auction service, including but not limited to brochures, pamphlets, radio and television scripts, telephone and direct mail solicitations, electronic media, and other means of promotion.

"Advisory Board" means the Auctioneer Advisory Board.

"Associate auctioneer" means a person who conducts an auction, but who is under the direct supervision of, and is sponsored by, a licensed auctioneer or auction firm.

"Auction" means the sale or lease of property, real or personal, by means of exchanges between an auctioneer or associate auctioneer and prospective purchasers or lessees, which consists of a series of invitations for offers made by the auctioneer or associate auctioneer and offers by prospective purchasers or lessees for the purpose of obtaining an acceptable offer for the sale or lease of the property, including the sale or lease of property via mail, telecommunications, or the Internet.

"Auction contract" means a written agreement between an auctioneer, associate auctioneer, or auction

firm and a seller or sellers.

"Auction firm" means any corporation, partnership, or limited liability company that acts as an auctioneer and provides an auction service.

"Auction school" means any educational institution, public or private, which offers a curriculum of auctioneer education and training approved by the Department ~~Office of Banks and Real Estate~~.

"Auction service" means the service of arranging, managing, advertising, or conducting auctions.

"Auctioneer" means a person or entity who, for another, for a fee, compensation, commission, or any other valuable consideration at auction or with the intention or expectation of receiving valuable consideration by the means of or process of an auction or sale at auction or providing an auction service, offers, negotiates, or attempts to negotiate an auction contract, sale, purchase, or exchange of goods, chattels, merchandise, personal property, real property, or any commodity that may be lawfully kept or offered for sale by or at auction.

~~"Commissioner" means the Commissioner of the Office of Banks and Real Estate or his or her designee.~~

"Department" means the Department of Financial and Professional Regulation.

~~"Director" means the Director of Auction Regulation.~~

"Goods" means chattels, movable goods, merchandise, or personal property or commodities of any form or type that may be lawfully kept or offered for sale.

"Licensee" means any person licensed under this Act.

"Managing auctioneer" means any person licensed as an auctioneer who manages and supervises licensees sponsored by an auction firm or auctioneer.

~~"OBRE" means the Office of Banks and Real Estate.~~

"Person" means an individual, association, partnership, corporation, or limited liability company or the officers, directors, or employees of the same.

"Pre-renewal period" means the 24 months prior to the expiration date of a license issued under this Act.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation or his or her designee.

"Sponsoring auctioneer" means the auctioneer or auction firm who has issued a sponsor card to a licensed associate auctioneer or auctioneer.

"Sponsor card" means the temporary permit issued by the sponsoring auctioneer certifying that the licensee named thereon is employed by or associated with the sponsoring auctioneer and the sponsoring auctioneer shall be responsible for the actions of the sponsored licensee.

(Source: P.A. 91-603, eff. 1-1-00; 92-16, eff. 6-28-01.)

(225 ILCS 407/10-1)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-1. Necessity of license; exemptions.

(a) It is unlawful for any person, corporation, limited liability company, partnership, or other entity to conduct an auction, provide an auction service, hold himself or herself out as an auctioneer, or advertise his or her services as an auctioneer in the State of Illinois without a license issued by the Department ~~OBRE~~ under this Act, except at:

(1) an auction conducted solely by or for a not-for-profit organization for charitable purposes;

(2) an auction conducted by the owner of the property, real or personal;

(3) an auction for the sale or lease of real property conducted by a licensee under the Real Estate License Act, or its successor Acts, in accordance with the terms of that Act;

(4) an auction conducted by a business registered as a market agency under the federal Packers and Stockyards Act (7 U.S.C. 181 et seq.) or under the Livestock Auction Market Law;

(5) an auction conducted by an agent, officer, or employee of a federal agency in the conduct of his or her official duties; and

(6) an auction conducted by an agent, officer, or employee of the State government or any political subdivision thereof performing his or her official duties.

(b) Nothing in this Act shall be construed to apply to a new or used vehicle dealer or a vehicle auctioneer licensed by the Secretary of State of Illinois, or to any employee of the licensee, who is a resident of the State of Illinois, while the employee is acting in the regular scope of his or her employment for the licensee while conducting an auction that is not open to the public, provided that only new or used vehicle dealers, rebuilders, automotive parts recyclers, scrap processors, or out-of-state salvage vehicle buyers licensed by the Secretary of State or licensed by another jurisdiction may buy property at the auction, or to sales by or through the licensee.

(c) Nothing in this Act shall be construed to prohibit a person under the age of 18 from selling property under $250 in value while under the direct supervision of a licensed auctioneer.

(d) Nothing in this Act, except Section 10-27, shall be construed to apply to a person while providing an Internet auction listing service as defined in Section 10-27.

(Source: P.A. 91-603, eff. 1-1-00; 92-798, eff. 8-15-02.)

(225 ILCS 407/10-5)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-5. Requirements for auctioneer license; application. Every person who desires to obtain an auctioneer license under this Act shall:

(1) apply to the Department ~~OBRE~~ on forms provided by the Department ~~OBRE~~ accompanied by the required fee;

(2) be at least 18 years of age;

(3) have attained a high school diploma or successfully completed an equivalent course of study determined by an examination conducted by the Illinois State Board of Education;

(4) ~~personally take and~~ pass a written examination authorized by the Department ~~OBRE~~ to prove competence, including but not limited to general knowledge of Illinois and federal laws pertaining to personal property contracts, auctions, real property, ~~relevant provisions of Article 4 of the Uniform Commercial Code,~~ ethics, and other topics relating to the auction business; and

(5) submit to the Department ~~OBRE~~ a properly completed 45-Day Permit Sponsor Card on forms provided by the Department ~~OBRE~~.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/10-15)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-15. Requirements for associate auctioneer license; application. Every person who desires to obtain an associate auctioneer license under this Act shall:

(1) apply to the Department ~~OBRE~~ on forms provided by the Department ~~OBRE~~ accompanied by the required fee;

(2) be at least 18 years of age;

(3) have attained a high school diploma or successfully completed an equivalent course of study determined by an examination conducted by the Illinois State Board of Education;

(4) ~~personally take and~~ pass a written examination authorized by the Department ~~OBRE~~ to prove competence, including but not limited to general knowledge of Illinois and federal laws pertaining to personal property contracts, auctions, real property, ~~relevant provisions of Article 4 of the Uniform Commercial Code,~~ ethics, and other topics relating to the auction business; and

(5) submit to the Department ~~OBRE~~ a properly completed 45-day permit sponsor card on forms provided by the Department ~~OBRE~~.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/10-20)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-20. Requirements for auction firm license; application. Any corporation, limited liability company, or partnership who desires to obtain an auction firm license shall:

(1) apply to the Department ~~OBRE~~ on forms provided by the Department ~~OBRE~~ accompanied by the required fee; and

(2) provide evidence to the Department ~~OBRE~~ that the auction firm has a properly licensed managing auctioneer.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/10-27)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-27. Registration of Internet Auction Listing Service.

(a) For the purposes of this Section:

(1) "Internet Auction Listing Service" means a website on the Internet, or other interactive computer service that is designed to allow or advertised as a means of allowing users to offer personal property or services for sale or lease to a prospective buyer or lessee through an on-line bid submission process using that website or interactive computer service and that does not examine, set the price, or prepare the description of the personal property or service to be offered, or in any way utilize

the services of a natural person as an auctioneer.

(2) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet.

(b) It is unlawful for any person, corporation, limited liability company, partnership, or other entity to provide an Internet auction listing service in the State of Illinois for compensation without being registered with the Department ~~Office of Banks and Real Estate (OBRE)~~ when:

(1) the person, corporation, limited liability company, partnership, or other entity providing the Internet auction listing service is located in the State of Illinois;

(2) the prospective seller or seller, prospective lessor or lessor, or prospective purchaser or purchaser is located in the State of Illinois and is required to agree to terms with the person, corporation, limited liability company, partnership, or other entity providing the Internet auction listing service, no matter where that person, corporation, limited liability company, partnership, or other entity is located; or

(3) the personal property or services offered for sale or lease are located or will be provided in the State of Illinois.

(c) Any person, corporation, limited liability company, partnership, or other entity that provides an Internet auction listing service in the State of Illinois for compensation under any of the circumstances listed in subsection (b) shall register with the Department ~~OBRE~~ on forms provided by the Department ~~OBRE~~ accompanied by the required fee as provided by rule. Such registration shall include information as required by the Department ~~OBRE~~ and established by rule as the Department ~~OBRE~~ deems necessary to enable users of the Internet auction listing service in Illinois to identify the entity providing the service and to seek redress or further information from such entity. The fee shall be sufficient to cover the reasonable costs of the Department ~~OBRE~~ in administering and enforcing the provisions of this Section. The registrant shall be required to certify:

(1) that the registrant does not act as the agent of users who sell items on its website, and acts only as a venue for user transactions;

(2) that the registrant requires sellers and bidders to register with the website and provide their name, address, telephone number and e-mail address;

(3) that the registrant retains such information for a period of at least 2 years;

(4) that the registrant retains transactional information consisting of at least seller identification, high bidder identification, and item sold for at least 2 years from the close of a transaction, and has a mechanism to identify all transactions involving a particular seller or buyer;

(5) that the registrant has a mechanism to receive complaints or inquiries from users;

(6) that the registrant adopts and reasonably implements a policy of suspending, in appropriate circumstances, the accounts of users who, based on the registrant's investigation, are proven to have engaged in a pattern of activity that appears to be deliberately designed to defraud consumers on the registrant's website; and

(7) that the registrant will comply with the Department ~~OBRE~~ and law enforcement requests for stored data in its possession, subject to the requirements of applicable law.

(d) The Department ~~OBRE~~ may refuse to accept a registration which is incomplete or not accompanied by the required fee. The Department ~~OBRE~~ may impose a civil penalty not to exceed $10,000 upon any Internet auction listing service that intentionally fails to register as required by this Section, and may impose such penalty or revoke, suspend, or place on probation or administrative supervision the registration of any Internet auction listing service that:

(1) intentionally makes a false or fraudulent material representation or material misstatement or misrepresentation to the Department ~~OBRE~~ in connection with its registration, including in the certification required under subsection (c);

(2) is convicted of any crime, an essential element of which is dishonesty, fraud, larceny, embezzlement, or obtaining money, property, or credit by false pretenses or by means of a confidence game; or is convicted in this or another state of a crime that is a felony under the laws of this State; or is convicted of a felony in a federal court;

(3) is adjudged to be a person under legal disability or subject to involuntary admission or to meet the standard for judicial admission as provided in the Mental Health and Developmental Disabilities Code;

(4) has been subject to discipline by another state, the District of Columbia, a

territory of the United States, a foreign nation, a governmental agency, or any other entity authorized to impose discipline if at least one of the grounds for that discipline is the same as or equivalent to one of the grounds for discipline set forth in this Section or for failing to report to the Department ~~OBRE~~, within 30 days, any adverse final action taken against the registrant by any other licensing or registering jurisdiction, government agency, law enforcement agency, or court, or liability for conduct that would constitute grounds for action as set forth in this Section;

(5) fails to make available to the Department ~~OBRE~~ personnel during normal business hours all records and

related documents maintained in connection with the activities subject to registration under this Section;

(6) makes or files false records or reports in connection with activities subject to

registration, including but not limited to false records or reports filed with State agencies;

(7) fails to provide information within 30 days in response to a written request made

by the Department ~~OBRE~~ to a person designated in the registration for receipt of such requests; or

(8) fails to perform any act or procedure described in subsection (c) of this Section.

(e) Registrations issued pursuant to this Section shall expire on September 30 of odd-numbered years. A registrant shall submit a renewal application to the Department ~~OBRE~~ on forms provided by the Department ~~OBRE~~ along with the required fee as established by rule.

(f) Operating an Internet auction listing service under any of the circumstances listed in subsection (b) without being currently registered under this Section is declared to be adverse to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare. The Secretary ~~Commissioner of OBRE~~, the Attorney General of the State of Illinois, the State's Attorney of any county in the State, or any other person may maintain an action and apply for injunctive relief in any circuit court to enjoin the person or entity from engaging in such practice.

(g) The provisions of Sections 20-25, 20-30, 20-35, 20-40, 20-45, 20-50, 20-55, 20-60 and 20-75 of this Act shall apply to any actions of the Department ~~OBRE~~ exercising its authority under subsection (d) as if a person required to register under this Section were a person holding or claiming to hold a license under this Act.

(h) The Department ~~OBRE~~ shall have the authority to adopt such rules as may be necessary to implement or interpret the provisions of this Section.

(Source: P.A. 92-798, eff. 8-15-02.)

(225 ILCS 407/10-30)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-30. Expiration, renewal, and continuing education.

(a) License expiration dates, renewal periods, renewal fees, and procedures for renewal of licenses issued under this Act shall be set by rule of the Department. An entity may renew its license by paying the required fee and by meeting the renewal requirements adopted by the Department under this Section. ~~A license issued under this Act shall expire every 2 years beginning on September 30, 2001. The OBRE shall issue a renewal license without examination to an applicant upon submission of a completed renewal application and payment of the required fee.~~

(b) All renewal applicants must provide proof as determined by the Department of having met the continuing education requirements set forth by the Department by rule. At a minimum, the rules shall require an applicant for renewal licensure as an auctioneer or associate auctioneer to provide proof of the completion of at least 12 hours of continuing education during the pre-renewal period preceding the expiration date of the license from schools approved by the Department, as established by rule. ~~The OBRE shall develop a program for continuing education as established in Article 25 of this Act. No auctioneer or associate auctioneer shall receive a renewal license without completing 12 hours of approved continuing education course work during the pre-renewal period prior to the expiration date of the license from continuing education schools that are approved by the OBRE, as established in Article 25 of this Act. The applicant shall verify on the application that he or she:~~

~~(1) has complied with the continuing education requirements; or~~

~~(2) is exempt from the continuing education requirements because it is his or her first renewal and he or she was initially licensed as an auctioneer or associate auctioneer during the pre-renewal period prior to the expiration date.~~

(c) The Department, in its discretion, may waive enforcement of the continuing education requirements of this Section and shall adopt rules defining the standards and criteria for such waiver. ~~A renewal applicant may request a waiver of the continuing education requirements under subsection (d) of this Section, but shall not practice as an auctioneer or associate auctioneer until such waiver is granted and a renewal license~~

~~is issued.~~

(d) (Blank). ~~The Commissioner, with the recommendation of the Advisory Board, may grant a renewal applicant a waiver from all or part of the continuing education requirements for the pre-renewal period if the applicant was not able to fulfill the requirements as a result of the following conditions:~~

~~(1) Service in the armed forces of the United States during a substantial part of the pre-renewal period.~~

~~(2) Service as an elected State or federal official.~~

~~(3) Service as a full-time employee of the OBRE.~~

~~(4) Other extreme circumstances as recommended by the Advisory Board.~~

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/10-35)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-35. Completed 45-day permit sponsor card; termination by sponsoring auctioneer; inoperative status.

(a) No auctioneer or associate auctioneer shall conduct an auction or provide an auction service without being properly sponsored by a licensed auctioneer or auction firm.

(b) The sponsoring auctioneer or sponsoring auction firm shall prepare upon forms provided by the Department ~~OBRE~~ and deliver to each auctioneer or associate auctioneer employed by or associated with the sponsoring auctioneer or sponsoring auction firm a properly completed duplicate 45-day permit sponsor card certifying that the person whose name appears thereon is in fact employed by or associated with said sponsoring auctioneer or sponsoring auction firm. The sponsoring auctioneer or sponsoring auction firm shall send the original 45-day permit sponsor card, along with a valid terminated license or other authorization as provided by rule and the appropriate fee, to the Department ~~OBRE~~ within 24 hours after the issuance of the sponsor card. It is a violation of this Act for any sponsoring auctioneer or sponsoring auction firm to issue a sponsor card to any auctioneer, associate auctioneer, or applicant, unless the auctioneer, associate auctioneer, or applicant presents in hand a valid terminated license or other authorization, as provided by rule.

(c) An auctioneer may be self-sponsored or may be sponsored by another licensed auctioneer or auction firm.

(d) An associate auctioneer must be sponsored by a licensed auctioneer or auction firm.

(e) When an auctioneer or associate auctioneer terminates his or her employment or association with a sponsoring auctioneer or sponsoring auction firm or the employment or association is terminated by the sponsoring auctioneer or sponsoring auction firm, the terminated licensee shall obtain from that sponsoring auctioneer or sponsoring auction firm his or her license endorsed by the sponsoring auctioneer or sponsoring auction firm indicating the termination. The terminating sponsoring auctioneer or sponsoring auction firm shall send a copy of the terminated license within 5 days after the termination to the Department ~~OBRE~~ or shall notify the Department ~~OBRE~~ in writing of the termination and explain why a copy of the terminated license was not surrendered.

(f) The license of any auctioneer or associate auctioneer whose association with a sponsoring auctioneer or sponsoring auction firm has terminated shall automatically become inoperative immediately upon such termination, unless the terminated licensee accepts employment or becomes associated with a new sponsoring auctioneer or sponsoring auction firm pursuant to subsection (g) of this Section. An inoperative licensee under this Act shall not conduct an auction or provide auction services while the license is in inoperative status.

(g) When a terminated or inoperative auctioneer or associate auctioneer accepts employment or becomes associated with a new sponsoring auctioneer or sponsoring auction firm, the new sponsoring auctioneer or sponsoring auction firm shall send to the Department ~~OBRE~~ a properly completed 45-day permit sponsor card, the terminated license, and the appropriate fee.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/10-40)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-40. Restoration.

(a) A licensee whose license has lapsed or expired shall have 2 years from the expiration date to restore his or her license without examination. The expired licensee shall make application to the Department ~~OBRE~~ on forms provided by the Department ~~OBRE~~, including a properly completed 45-day permit sponsor card, provide evidence of successful completion of 12 hours of approved continuing education during the period of time the license had lapsed, and pay all lapsed fees and penalties as established by administrative rule.

(b) Notwithstanding any other provisions of this Act to the contrary, any licensee whose license under this Act has expired is eligible to restore such license without paying any lapsed fees and penalties provided that the license expired while the licensee was:

(1) on active duty with the United States Army, United States ~~State~~ Marine Corps, United States Navy, United States Air Force, United States Coast Guard, the State Militia called into service or training;

(2) engaged in training or education under the supervision of the United States prior to induction into military service; or

(3) serving as an employee of the Department ~~OBRE~~, while the employee was required to surrender his or her license due to a possible conflict of interest.

A licensee shall be eligible to restore a license under the provisions of this subsection for a period of 2 years following the termination of the service, education, or training by providing a properly completed application and 45-day permit sponsor card, provided that the termination was by other than dishonorable discharge and provided that the licensee furnishes the Department ~~OBRE~~ with an affidavit specifying that the licensee has been so engaged.

(c) At any time after the suspension, revocation, placement on probationary status, or other disciplinary action taken under this Act with reference to any license, the Department ~~OBRE~~ may restore the license to the licensee without examination upon the order of the Secretary ~~Commissioner~~, if the licensee submits a properly completed application and 45-day permit sponsor card, pays appropriate fees, and otherwise complies with the conditions of the order.

(Source: P.A. 91-603, eff. 1-1-00; revised 10-11-05.)

(225 ILCS 407/10-45)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-45. Nonresident auctioneer reciprocity.

(a) A person holding a license to engage in auctions issued to him or her by the proper authority of a state, territory, or possession of the United States of America or the District of Columbia that has licensing requirements equal to or substantially equivalent to the requirements of this State and that otherwise meets the requirements of this Act may obtain a license under this Act without examination, provided:

(1) that the Department ~~OBRE~~ has entered into a valid reciprocal agreement with the proper authority of the state, territory, or possession of the United States of America or the District of Columbia from which the nonresident applicant has a valid license;

(2) that the applicant provides the Department ~~OBRE~~ with a certificate of good standing from the applicant's resident state;

(3) that the applicant completes and submits an application as provided by the Department ~~OBRE~~; and

(4) that the applicant pays all applicable fees required under this Act.

(b) A nonresident applicant shall file an irrevocable consent with the Department ~~OBRE~~ that actions may be commenced against the applicant or nonresident licensee in a court of competent jurisdiction in this State by the service of summons, process, or other pleading authorized by the law upon the Secretary ~~Commissioner~~. The consent shall stipulate and agree that service of the process, summons, or pleading upon the Secretary ~~Commissioner~~ shall be taken and held in all courts to be valid and binding as if actual service had been made upon the applicant in Illinois. If a summons, process, or other pleading is served upon the Secretary ~~Commissioner~~, it shall be by duplicate copies, one of which shall be retained by the Department ~~OBRE~~ and the other immediately forwarded by certified or registered mail to the last known business address of the applicant or nonresident licensee against whom the summons, process, or other pleading may be directed.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/10-50)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-50. Fees. Fees shall be determined by rule and shall be non-refundable. ~~The OBRE shall provide by administrative rule for fees to be paid by applicants, licensees, and schools to cover the reasonable costs of the OBRE in administering and enforcing the provisions of this Act.~~ The Department ~~OBRE~~ shall provide by administrative rule for fees to be collected from licensees and applicants to cover the statutory requirements for funding the Auctioneer Recovery Fund. The Department ~~OBRE~~ may also provide by administrative rule for general fees to cover the reasonable expenses of carrying out other functions and responsibilities under this Act.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-5)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-5. Unlicensed practice; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as an auctioneer, an associate auctioneer, an auction firm, or any other licensee under this Act without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty ~~fine~~ to the Department ~~OBRE~~ in an amount not to exceed $10,000 for each offense as determined by the Department ~~OBRE~~. The civil penalty fine shall be assessed by the Department ~~OBRE~~ after a hearing is held in accordance with the provisions set forth in this Act regarding a hearing for the discipline of a license.

(b) The Department ~~OBRE~~ has the authority and power to investigate any and all unlicensed activity pursuant to this Act.

(c) The civil penalty ~~fine~~ shall be paid within 60 days after the effective date of the order imposing the civil penalty ~~fine~~. The order shall constitute a judgment ~~judgement~~ and may be filed and execution had thereon in the same manner from any court of record.

(d) Conducting an auction or providing an auction service in Illinois without holding a valid and current license under this Act is declared to be adverse to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare. The Secretary ~~Commissioner~~, the Attorney General, the State's Attorney of any county in the State, or any other person may maintain an action in the name of the People of the State of Illinois and may apply for injunctive relief in any circuit court to enjoin the person or entity from engaging in such practice.

Upon the filing of a verified petition in a circuit court, the court, if satisfied by affidavit or otherwise that the person or entity has been engaged in the practice of auctioning without a valid and current license, may enter a temporary restraining order without notice or bond enjoining the defendant from further practice. Only the showing of non-licensure, by affidavit or otherwise, is necessary in order for a temporary injunction to be issued. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases except as modified by this Section. If it is established that the defendant has been or is engaged in unlawful practice, the court may enter an order or judgment perpetually enjoining the defendant from further practice. In all proceedings hereunder, the court, in its discretion, may apportion the costs among the parties interested in the action, including cost of filing the complaint, service of process, witness fees and expenses, court reporter charges, and reasonable attorneys' fees. In case of violation of any injunctive order entered under the provisions of this Section, the court may summarily try and punish the offender for contempt of court. These injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Act.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-15)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-15. Disciplinary actions; grounds. The Department ~~OBRE~~ may refuse to issue or renew a license, may place on probation or administrative supervision, suspend, or revoke any license or may reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including the imposition of fines ~~otherwise discipline or impose a civil fine~~ not to exceed $10,000 for each violation upon anyone licensed under this Act for any of the following reasons ~~upon any licensee hereunder for any one or any combination of the following causes~~:

(1) False or fraudulent representation or material misstatement in furnishing information to the Department ~~OBRE~~ in obtaining or seeking to obtain a license.

(2) Violation of any provision of this Act or the rules promulgated pursuant to this Act.

(3) Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony, an essential element of which is dishonesty or fraud, or larceny, embezzlement, or obtaining money, property, or credit by false pretenses or by means of a confidence game, conviction in this or another state of a crime that is a felony under the laws of this State, or conviction of a felony in a federal court.

(4) Being adjudged to be a person under legal disability or subject to involuntary admission or to meet the standard for judicial admission as provided in the Mental Health and Developmental Disabilities Code.

(5) Discipline of a licensee by another state, the District of Columbia, a territory of the United States, a foreign nation, a governmental agency, or any other entity authorized to impose

discipline if at least one of the grounds for that discipline is the same as or the equivalent to one of the grounds for discipline set forth in this Act or for failing to report to the Department ~~OBRE~~, within 30 days, any adverse final action taken against the licensee by any other licensing jurisdiction, government agency, law enforcement agency, or court, or liability for conduct that would constitute grounds for action as set forth in this Act.

(6) Engaging in the practice of auctioneering, conducting an auction, or providing an auction service without a license or after the license was expired, revoked, suspended, or terminated or while the license was inoperative.

(7) Attempting to subvert or cheat on the auctioneer exam or any continuing education exam, or aiding or abetting another to do the same.

(8) Directly or indirectly giving to or receiving from a person, firm, corporation, partnership, or association a fee, commission, rebate, or other form of compensation for professional service not actually or personally rendered.

(9) Making any substantial misrepresentation or untruthful advertising.

(10) Making any false promises of a character likely to influence, persuade, or induce.

(11) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through a licensee, agent, employee, advertising, or otherwise.

(12) Any misleading or untruthful advertising, or using any trade name or insignia of membership in any auctioneer association or organization of which the licensee is not a member.

(13) Commingling funds of others with his or her own funds or failing to keep the funds of others in an escrow or trustee account.

(14) Failure to account for, remit, or return any moneys, property, or documents coming into his or her possession that belong to others, acquired through the practice of auctioneering, conducting an auction, or providing an auction service within 30 days of the written request from the owner of said moneys, property, or documents.

(15) Failure to maintain and deposit into a special account, separate and apart from any personal or other business accounts, all moneys belonging to others entrusted to a licensee while acting as an auctioneer, associate auctioneer, auction firm, or as a temporary custodian of the funds of others.

(16) Failure to make available to Department ~~OBRE~~ personnel during normal business hours all escrow and trustee records and related documents maintained in connection with the practice of auctioneering, conducting an auction, or providing an auction service within 24 hours after a request from Department ~~OBRE~~ personnel.

(17) Making or filing false records or reports in his or her practice, including but not limited to false records or reports filed with State agencies.

(18) Failing to voluntarily furnish copies of all written instruments prepared by the auctioneer and signed by all parties to all parties at the time of execution.

(19) Failing to provide information within 30 days in response to a written request made by the Department ~~OBRE~~.

(20) Engaging in any act that constitutes a violation of Section 2-102, 3-103, or 3-105 of the Illinois Human Rights Act.

(21) Causing a payment from the Auction Recovery Fund.

(22) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(23) Offering or advertising real estate for sale or lease at auction without a valid broker or salesperson's license under the Real Estate License Act of 1983, or any successor Act, unless exempt from licensure under the terms of the Real Estate License Act of 2001 ~~1983~~, or any successor Act.

(24) Physical illness, mental illness, or other impairment including without limitation deterioration through the aging process, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, and safety.

(25) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.

(26) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or a neglected child as defined in the

Abused and Neglected Child Reporting Act.

(27) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in a licensee's inability to practice with reasonable judgment, skill, or safety.

(28) Wilfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

The entry of an order by a circuit court establishing that any person holding a license under this Act is subject to involuntary admission or judicial admission, as provided for in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension of that license. That person may have his or her license restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient and upon the Board's recommendation to the Department that the license be restored. Where circumstances so indicate, the Board may recommend to the Department that it require an examination prior to restoring a suspended license.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department. In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 21 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

In enforcing this Section, the Department or Board, upon a showing of a possible violation, may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination when directed shall be grounds for suspension of his or her license until the individual submits to the examination, if the Department finds that, after notice and hearing, the refusal to submit to the examination was without reasonable cause.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-20)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-20. Termination without hearing for failure to pay taxes, child support, or a student loan. The Department ~~OBRE~~ may terminate or otherwise discipline any license issued under this Act without hearing if the appropriate administering agency provides adequate information and proof that the licensee has:

(1) failed to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax act administered by the Illinois Department of Revenue until the requirements of the tax act are satisfied;

(2) failed to pay any court ordered child support as determined by a court order or by referral from the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid); or

(3) failed to repay any student loan or assistance as determined by the Illinois Student Assistance Commission. If a license is terminated or otherwise disciplined pursuant to this

Section, the licensee may request a hearing as provided by this Act within 30 days of notice of termination or discipline.

(Source: P.A. 91-603, eff. 1-1-00; revised 12-15-05.)

(225 ILCS 407/20-25)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-25. Investigation. The Department ~~OBRE~~ may investigate the actions or qualifications of any person or persons holding or claiming to hold a license under this Act~~, who shall hereinafter be called the respondent~~.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-30)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-30. Consent orders. Notwithstanding any provisions concerning the conduct of hearings and recommendations for disciplinary actions, the Department ~~OBRE~~ has the authority to negotiate agreements with licensees and applicants resulting in disciplinary consent orders. The consent orders may provide for any form of discipline provided for in this Act. The consent orders shall provide that they were not entered into as a result of any coercion by the Department ~~OBRE~~. Any consent order shall be accepted by or rejected by the Secretary ~~Commissioner~~ in a timely manner.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-35)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-35. Subpoenas; attendance of witnesses; oaths.

(a) The Department ~~OBRE~~ shall have the power to issue subpoenas ad testificandum (subpoena for documents) and to bring before it any persons and to take testimony, either orally or by deposition or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State. The Department ~~OBRE~~ shall have the power to issue subpoenas duces tecum and to bring before it any documents, papers, files, books, and records with the same costs and in the same manner as prescribed in civil cases in the courts of this State.

(b) Any circuit court may, upon application of the Department ~~OBRE~~ or its designee or of the applicant, licensee, or person holding a certificate of licensure against whom proceedings under this Act are pending, enter an order compelling the enforcement of any Department ~~OBRE~~ subpoena issued in connection with any hearing or investigation.

(c) The Secretary ~~Commissioner~~ or his or her designee or the Board shall have power to administer oaths to witnesses at any hearing that the Department ~~OBRE~~ is authorized to conduct and any other oaths authorized in any Act administered by the Department ~~OBRE~~.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-40)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-40. Hearings; record of hearings.

(a) The Department ~~OBRE~~ shall have the authority to conduct hearings before the Advisory Board on proceedings to revoke, suspend, place on probation or administrative review, reprimand, or refuse to issue or renew any license under this Act or to impose a civil penalty not to exceed $10,000 upon any licensee under this Act.

(b) The Department ~~OBRE~~, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the discipline of any license under this Act. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the order of the Department ~~OBRE~~ shall be the record of proceeding. At all hearings or prehearing conference, the Department ~~OBRE~~ and the respondent shall be entitled to have a court reporter in attendance for purposes of transcribing the proceeding or prehearing conference.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-45)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-45. Notice. The Department ~~OBRE~~ shall (i) notify the respondent in writing at least 30 days prior to the date set for the hearing of any charges made and the time and place for the hearing of the charges to be heard under oath and (ii) inform the respondent that, upon failure to file an answer before the date originally set for the hearing, default will be taken against the respondent and the respondent's license may be suspended, revoked, or otherwise disciplined as the Department ~~OBRE~~ may deem proper before

taking any disciplinary action with regard to any license under this Act.

If the respondent fails to file an answer after receiving notice, the respondent's license may, in the discretion of the Department ~~OBRE~~, be revoked, suspended, or otherwise disciplined as deemed proper, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

At the time and place fixed in the notice, the Department ~~OBRE~~ shall proceed to hearing of the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence, and argument as may be pertinent to the charges or any defense thereto.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-50)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-50. Board's findings of fact, conclusions of law, and recommendation to the Secretary ~~Commissioner~~. At the conclusion of the hearing, the Advisory Board shall present to the Secretary ~~Commissioner~~ a written report of its findings of facts, conclusions of law, and recommendations regarding discipline or a fine. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Advisory Board shall specify the nature of the violation or failure to comply and shall make its recommendations to the Secretary ~~Commissioner~~.

If the Secretary ~~Commissioner~~ disagrees in any regard with the report of the Advisory Board, the Secretary ~~Commissioner~~ may issue an order in contravention of the report. The Secretary ~~Commissioner~~ shall provide a written report to the Advisory Board on any deviation and shall specify with particularity the reasons for that action in the final order.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-55)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-55. Motion for rehearing; rehearing. In any hearing involving the discipline of a license, a copy of the Advisory Board's report shall be served upon the respondent by the Department ~~OBRE~~, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after the service, the respondent may present to the Department ~~OBRE~~ a motion in writing for a rehearing, which shall specify the particular grounds for rehearing.

If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a motion for rehearing is denied, then upon denial, the Secretary ~~Commissioner~~ may enter an order in accordance with the recommendations of the Advisory Board, except as provided for in this Act. If the respondent orders a transcript of the record from the reporting service and pays for it within the time for filing a motion for rehearing, the 20 calendar day period within which a motion for rehearing may be filed shall commence upon the delivery of the transcript to the respondent.

Whenever the Secretary ~~Commissioner~~ is not satisfied that substantial justice has been done in the hearing or in the Advisory Board's report, the Secretary ~~Commissioner~~ may order a rehearing by the same.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-60)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-60. Order; certified copy. An order or a certified copy of an order, over the seal of the Department ~~OBRE~~ and purporting to be signed by the Secretary ~~Commissioner~~ or his or her designee, shall be prima facie proof that:

(1) the signature is the genuine signature of the Secretary ~~Commissioner~~ or his or her designee;

(2) the Secretary ~~Commissioner~~ is duly appointed and qualified; and

(3) the Advisory Board is duly appointed and qualified.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-65)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-65. Restoration of license. At any time after the suspension or revocation of any license, the Department ~~OBRE~~ may restore the license to the accused person upon the written recommendation of the Advisory Board, unless after an investigation and a hearing the Advisory Board determines that restoration is not in the public interest.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-70)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-70. Surrender of license. Upon the revocation or suspension of any license the licensee shall

immediately surrender the license to the Department ~~OBRE~~. If the licensee fails to do so, the Department ~~OBRE~~ shall have the right to seize the license.
(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-75)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-75. Administrative Review Law. All final administrative decisions of the Department ~~OBRE~~ are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of this State, the venue shall be in Cook or Sangamon County.

Pending final decision on the review, the acts, orders, sanctions, and rulings of the Department ~~OBRE~~ regarding any license shall remain in full force and effect, unless modified or suspended by a court order pending final judicial decision. The Department ~~OBRE~~ shall not be required to certify any record to the court, file any answer in court, or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court, with the complaint, a receipt from the Department ~~OBRE~~ acknowledging payment of the costs of furnishing and certifying the record. Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.
(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-80)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-80. Summary suspension. The Secretary ~~Commissioner~~ may temporarily suspend any license pursuant to this Act, without hearing, simultaneously with the institution of proceedings for a hearing provided for in this Act, if the Secretary ~~Commissioner~~ finds that the evidence indicates that the public interest, safety, or welfare requires emergency action. In the event that the Secretary ~~Commissioner~~ temporarily suspends any license without a hearing, a hearing shall be held within 30 calendar days after the suspension has begun. The suspended licensee may seek a continuance of the hearing during which the suspension shall remain in effect. The proceeding shall be concluded without appreciable delay.
(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-90)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-90. Cease and desist orders. The Department ~~OBRE~~ may issue cease and desist orders to persons who engage in activities prohibited by this Act. Any person in violation of a cease and desist order obtained by the Department ~~OBRE~~ is subject to all of the remedies provided by law.
(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-95)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-95. Returned checks; fine. A person who delivers a check or other payment to the Department ~~OBRE~~ that is returned to the Department ~~OBRE~~ unpaid by the financial institution upon which it is drawn shall pay to the Department ~~OBRE~~, in addition to the amount already owed to the Department ~~OBRE~~, a fee of $50. The Department ~~OBRE~~ shall notify the person that his or her check has been returned and that the person shall pay to the Department ~~OBRE~~ by certified check or money order the amount of the returned check plus the $50 fee within 30 calendar days after the date of the notification. If, after the expiration of 30 calendar days of the notification, the person has failed to submit the necessary remittance, the Department ~~OBRE~~ shall automatically terminate the license or deny the application without a hearing. If, after termination or denial, the person seeks a license, he or she shall petition the Department ~~OBRE~~ for restoration and he or she may be subject to additional discipline or fines. The Secretary ~~Commissioner~~ may waive the fines due under this Section in individual cases where the Secretary ~~Commissioner~~ finds that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 91-603, eff. 1-1-00; 92-146, eff. 1-1-02.)

(225 ILCS 407/20-100 new)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-100. Violations. A person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for the second and any subsequent offense.

(225 ILCS 407/30-5)

(Section scheduled to be repealed on January 1, 2010)

Sec. 30-5. The Department ~~OBRE~~; powers and duties. The Department ~~OBRE~~ shall exercise the powers

and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing acts and shall exercise such other powers and duties as prescribed by this Act. The Department ~~OBRE~~ may contract with third parties for services necessary for the proper administration of this Act.
(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/30-10)

(Section scheduled to be repealed on January 1, 2010)

Sec. 30-10. Rules. The Department ~~OBRE~~, after notifying and considering the recommendations of the Advisory Board, if any, shall adopt any rules that may be necessary for the administration, implementation and enforcement of this Act.
(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/30-15)

(Section scheduled to be repealed on January 1, 2010)

Sec. 30-15. Auction Regulation Administration Fund. A special fund to be known as the Auction Regulation Administration Fund is created in the State Treasury. All fees received by the Department ~~OBRE~~ under this Act shall be deposited into the Auction Regulation Administration Fund. Subject to appropriation, the moneys deposited into the Auction Regulation Administration Fund shall be used by the Department ~~OBRE~~ for the administration of this Act. Moneys in the Auction Regulation Administration Fund may be invested and reinvested in the same manner as authorized for pension funds in Article 14 of the Illinois Pension Code. All earnings, interest, and dividends received from investment of funds in the Auction Regulation Administration Fund shall be deposited into the Auction Regulation Administration Fund and shall be used for the same purposes as other moneys deposited in the Auction Regulation Administration Fund.

This fund shall be created on July 1, 1999. The State Treasurer shall cause a transfer of $300,000 to the Auction Regulation Administration Fund from the Real Estate License Administration Fund on August 1, 1999. The State Treasurer shall cause a transfer of $200,000 on August 1, 2000 and a transfer of $100,000 on January 1, 2002 from the Auction Regulation Administration Fund to the Real Estate License Administration Fund, or if there is a sufficient fund balance in the Auction Regulation Administration Fund to properly administer this Act, the Department ~~OBRE~~ may recommend to the State Treasurer to cause a transfer from the Auction Regulation Administration Fund to the Real Estate License Administration Fund on a date and in an amount which is accelerated, but not less than set forth in this Section. In addition to the license fees required under this Act, each initial applicant for licensure under this Act shall pay to the Department ~~OBRE~~ an additional $100 for deposit into the Auction Regulation Administration Fund for a period of 2 years or until such time the original transfer amount to the Auction Regulation Administration Fund from the Real Estate License Administration Fund is repaid.

Moneys in the Auction Regulation Administration Fund may be transferred to the Professions Indirect Cost Fund, as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

Upon completion of any audit of the Department ~~OBRE~~ as prescribed by the Illinois State Auditing Act, which includes an audit of the Auction Regulation Administration Fund, the Department ~~OBRE~~ shall make the audit open to inspection by any interested party.
(Source: P.A. 94-91, eff. 7-1-05.)

(225 ILCS 407/30-20)

(Section scheduled to be repealed on January 1, 2010)

Sec. 30-20. Auction Recovery Fund. A special fund to be known as the Auction Recovery Fund is created in the State Treasury. The moneys in the Auction Recovery Fund shall be used by the Department ~~OBRE~~ exclusively for carrying out the purposes established pursuant to the provisions of Section 30-35 of this Act.

The sums received by the Department ~~OBRE~~ pursuant to the provisions of Sections 20-5 through Sections 20-20 of this Act shall be deposited into the State Treasury and held in the Auction Recovery Fund. In addition to the license fees required under this Act, each initial and renewal applicant shall pay to the Department ~~OBRE~~ an additional $25 for deposit into the Auction Recovery Fund for a period of 2 years after the effective date of this Act. After such time the Auction Regulation Administration Fund has totally repaid the Real Estate License Administration Fund, the State Treasurer shall cause a transfer of $50,000 from the Auction Regulation Administration Fund to the Auction Recovery Fund annually on January 1 so as to sustain a minimum balance of $400,000 in the Auction Recovery Fund. If the fund balance in the Auction Recovery Fund on January 1 of any year after 2002 is less than $100,000, in addition to the renewal license fee required under this Act, each renewal applicant shall pay the Department ~~OBRE~~ an

additional $25 fee for deposit into the Auction Recovery Fund.

The funds held in the Auction Recovery Fund may be invested and reinvested in the same manner as funds in the Auction Regulation Administration Fund. All earnings received from investment may be deposited into the Auction Recovery Fund and may be used for the same purposes as other moneys deposited into the Auction Recovery Fund or may be deposited into the Auction Education Fund as provided in Section 30-25 of this Act and as established by rule.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/30-25)

(Section scheduled to be repealed on January 1, 2010)

Sec. 30-25. Auction Education Fund. A special fund to be known as the Auction Education Fund is created in the State Treasury. The Auction Education Fund shall be administered by the Department ~~OBRE~~. Subject to appropriation, moneys deposited into the Auction Education Fund may be used for the advancement of education in the auction industry, as established by rule. The moneys deposited in the Auction Education Fund may be invested and reinvested in the same manner as funds in the Auction Regulation Administration Fund. All earnings received from investment shall be deposited into the Auction Education Fund and may be used for the same purposes as other moneys deposited into the Auction Education Fund.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/30-30)

(Section scheduled to be repealed on January 1, 2010)

Sec. 30-30. Auction Advisory Board.

(a) There is hereby created the Auction Advisory Board. The Advisory Board shall consist of 7 members and shall be appointed by the Secretary ~~Commissioner~~. In making the appointments, the Secretary ~~Commissioner~~ shall give due consideration to the recommendations by members and organizations of the industry, including but not limited to the Illinois State Auctioneers Association. Five ~~Four~~ members of the Advisory Board shall be licensed auctioneers, except that for the initial appointments, these members may be persons without a license, but who have been auctioneers for at least 5 years preceding their appointment to the Advisory Board. One member shall be a public member who represents the interests of consumers and who is not licensed under this Act or the spouse of a person licensed under this Act or who has any responsibility for management or formation of policy of or any financial interest in the auctioneering profession or any other connection with the profession. One member shall be actively engaged in the real estate industry and licensed as a broker or salesperson. The Advisory Board shall annually elect one of its members to serve as Chairperson ~~One member shall be the Director of Auction Regulation, ex officio, and shall serve as the Chairperson of the Advisory Board~~.

(b) Members shall be appointed for a term of 4 years, except that of the initial appointments, 3 members shall be appointed to serve a term of 3 years and 4 members shall be appointed to serve a term of 4 years~~, including the Director~~. The Secretary ~~Commissioner~~ shall fill a vacancy for the remainder of any unexpired term. Each member shall serve on the Advisory Board until his or her successor is appointed and qualified. No person shall be appointed to serve more than 2 terms, including the unexpired portion of a term due to vacancy. To the extent practicable, the Secretary ~~Commissioner~~ shall appoint members to insure that the various geographic regions of the State are properly represented on the Advisory Board.

(c) A majority of the Advisory Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Advisory Board shall not impair the right of a quorum to exercise all of the rights and perform all the duties of the Board.

(d) Each member of the Advisory Board shall receive a per diem stipend in an amount to be determined by the Secretary ~~Commissioner~~. Each member shall be paid his or her necessary expenses while engaged in the performance of his or her duties.

(e) Members of the Advisory Board shall be immune from suit in an action based upon any disciplinary proceedings or other acts performed in good faith as members of the Advisory Board.

(f) The Advisory Board shall meet monthly or as convened by the Chairperson.

(g) The Advisory Board shall advise the Department ~~OBRE~~ on matters of licensing and education and make recommendations to the Department ~~OBRE~~ on those matters and shall hear and make recommendations to the Secretary ~~Commissioner~~ on disciplinary matters that require a formal evidentiary hearing.

(h) The Secretary ~~Commissioner~~ shall give due consideration to all recommendations of the Advisory Board.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/30-40)

(Section scheduled to be repealed on January 1, 2010)

Sec. 30-40. Auction Recovery Fund; recovery; actions; procedures. The Department ~~OBRE~~ shall maintain an Auction Recovery Fund from which any person aggrieved by an act, representation, transaction, or the conduct of a duly licensed auctioneer, associate auctioneer or auction firm that constitutes a violation of this Act or the regulations promulgated pursuant thereto or that constitutes embezzlement of money or property or results in money or property being unlawfully obtained from any person by false pretenses, artifice, trickery, or forgery or by reason of any fraud, misrepresentation, discrimination or deceit by or on the part of any licensee or the unlicensed employee of any auctioneer, associate auctioneer, or auction firm and that results in a loss of actual cash money as opposed to losses in market value, may recover. The aggrieved person may recover, by order of the circuit court of the county where the violation occurred, an amount of not more than $10,000 from the fund for damages sustained by the act, representation, transaction, or conduct, together with the costs of suit and attorneys' fees incurred in connection therewith of not to exceed 15% of the amount of the recovery ordered paid from the Fund. However, no licensed auctioneer, associate auctioneer, or auction firm may recover from the Fund, unless the court finds that the person suffered a loss resulting from intentional misconduct. The court order shall not include interest on the judgment.

The maximum liability against the Fund arising out of any one act by any auctioneer, associate auctioneer, or auction firm shall be $50,000, and the judgment order shall spread the award equitably among all aggrieved persons.

(Source: P.A. 91-603, eff. 8-16-99.)

(225 ILCS 407/30-45)

(Section scheduled to be repealed on January 1, 2010)

Sec. 30-45. Auction Recovery Fund; collection.

(a) No action for a judgment that subsequently results in an order for collection from the Auction Recovery Fund shall be started later than 2 years after the date on which the aggrieved person knew or, through the use of reasonable diligence, should have known of the acts or omissions giving rise to a right of recovery from the Auction Recovery Fund.

(b) When any aggrieved person commences action for a judgment that may result in collection from the Auction Recovery Fund, the aggrieved person must name as parties to that action any and all individual auctioneers, associate auctioneers, auction firms, or their employees or agents who allegedly committed or are responsible for acts or omissions giving rise to a right of recovery from the Auction Recovery Fund. Failure to name these individuals as parties shall preclude recovery from the Auction Recovery Fund of any portion of the judgment received in the action.

(c) When any aggrieved person commences action for a judgment that may result in collection from the Auction Recovery Fund, the aggrieved person must notify the Department ~~OBRE~~ in writing to this effect at the time of the commencement of the action. Failure to so notify the Department ~~OBRE~~ shall preclude recovery from the Auction Recovery Fund of any portion of the judgment received in the action. After receiving notice of the commencement of such an action, the Department ~~OBRE~~, upon timely application, shall be permitted to intervene as a party to that action.

(d) When an aggrieved party commences action for a judgment that may result in collection from the Auction Recovery Fund and the court in which the action is commenced enters judgment by default against the defendant and in favor of the aggrieved party, the court shall, upon motion of the Department ~~OBRE~~, set aside that judgment by default. After a judgment by default has been set aside, the Department ~~OBRE~~ shall appear as a party to that action and thereafter the court shall require proof of the allegations in the pleading upon which relief is sought.

(e) The aggrieved person shall give written notice to the Department ~~OBRE~~ within 30 days after the entry of any judgment that may result in collection from the Auction Recovery Fund. That aggrieved person shall provide the Department ~~OBRE~~ 20 days written notice of all supplementary proceeding so as to allow the Department ~~OBRE~~ to participate in all efforts to collect on the judgment.

(f) When any aggrieved person recovers a valid judgment in any court of competent jurisdiction against any licensee or an unlicensed employee or agent of any licensee on the grounds of fraud, misrepresentation, discrimination, or deceit, the aggrieved person may, upon the termination of all proceedings, including review and appeals in connection with the judgment, file a verified claim in the court in which the judgment was entered and, upon 30 days written notice to the Department ~~OBRE~~ and to the person against whom the judgment was obtained, may apply to the court for an order directing payment out of the Auction Recovery Fund of the amount unpaid upon the judgment, not including interest on the judgment, and

subject to the limitation stated in Section 30-40 of this Act. The aggrieved person must set out in that verified claim and at an evidentiary hearing to be held by the court that the aggrieved person:

(1) is not the spouse of the debtor or the personal representative of the spouse;

(2) has complied with all the requirements of this Section;

(3) has obtained a judgment stating the amount thereof and the amount owing thereon, not including interest thereon, at the date of the application;

(4) has made all reasonable searches and inquiries to ascertain whether the judgment debtor possesses real or personal property or other assets which may be sold or applied in satisfaction of the judgment;

(5) has discovered no personal or real property or other assets liable to be sold or applied, or has discovered certain of them, describing them owned by the judgment debtor and liable to be so applied, and has taken all necessary action and proceeding for the realization thereof, and the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized;

(6) has diligently pursued all remedies against all the judgment debtors and all other persons liable to the aggrieved person in the transaction for which recovery is sought from the Auction Recovery Fund;

(7) has filed an adversary action to have the debts declared non-dischargeable in any bankruptcy petition matter filed by any judgment debtor or person liable to the aggrieved person. The aggrieved person shall also be required to prove the amount of attorney's fees sought to be recovered and the reasonableness of those fees up to the maximum allowed pursuant to Section 30-40 of this Act.

(g) The court shall make an order directed to the Department ~~OBRE~~ requiring payment from the Auction Recovery Fund of whatever sum it finds to be payable upon the claim, pursuant to and in accordance with the limitations contained in Section 30-40 of this Act, if the court is satisfied, upon the hearing, of the truth of all matters required to be shown by the aggrieved person by subsection (f) of this Section and that the aggrieved person has fully pursued and exhausted all remedies available for recovering the amount awarded by the judgment of the court.

(h) If the Department ~~OBRE~~ pays from the Auction Recovery Fund any amount in settlement of a claim or toward satisfaction of a judgment against any licensee, or employee or agent of any licensee, the license of said licensee shall be automatically terminated without hearing upon the issuance of a court order authorizing payment from the Auction Recovery Fund. No petition for restoration of the license shall be heard until repayment of the amount paid from the Auction Recovery Fund on their account has been made in full, plus interest at the rate prescribed in Section 12-109 of the Code of Civil Procedure. A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided in this subsection.

(i) If, at any time, the money deposited in the Auction Recovery Fund is insufficient to satisfy any duly authorized claim or portion thereof, the Department ~~OBRE~~ shall, when sufficient money has been deposited in the Auction Recovery Fund, satisfy such unpaid claims or portions thereof, in the order that the claims or portions thereof were originally filed, plus accumulated interest at the rate prescribed in Section 12-109 of the Code of Civil Procedure.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/30-50)

(Section scheduled to be repealed on January 1, 2010)

Sec. 30-50. Contractual agreements. The Department ~~OBRE~~ may enter into contractual agreements with third parties to carry out the provisions of this Act.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/30-55)

(Section scheduled to be repealed on January 1, 2010)

Sec. 30-55. Reciprocal agreements. The Department ~~OBRE~~ shall have the authority to enter into reciprocal licensing agreements with the proper authority of a state, territory, or possession of the United States or the District of Columbia having licensing requirements equal to or substantially equivalent to the requirements of this State.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/10-25 rep.) (225 ILCS 407/Art. 25 rep.) (225 ILCS 407/30-5 rep.)

Section 10. The Auction License Act is amended by repealing Sections 10-25 and 30-5 and Article 25.".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 1406 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1330

A bill for AN ACT concerning education.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 1330

Senate Amendment No. 2 to HOUSE BILL NO. 1330

Passed the Senate, as amended, May 25, 2007.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 1330 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 2-3.142 and by changing Section 10-22.39 as follows:

(105 ILCS 5/2-3.142 new)

Sec. 2-3.142. The Ensuring Success in School Task Force.

(a) In this Section:

"Domestic violence organization" or "sexual violence organization" means a nonprofit, nongovernmental organization that provides assistance to victims of domestic or sexual violence or to advocates for such victims, including an organization carrying out a domestic or sexual violence program; an organization operating a shelter or a rape crisis center or providing counseling services; or an organization that seeks to eliminate domestic or sexual violence through legislative advocacy or policy change, public education, or service collaboration.

"Domestic violence" means abuse by a family or household member, as "abuse" and "family or household members" are defined in Section 103 of the Illinois Domestic Violence Act of 1986.

"Expectant parent" means a female who is pregnant or a male who voluntarily identifies himself as the parent of an unborn child by seeking services for teen parents and who has not yet graduated from secondary school as provided in Section 22-22 of this Code.

"Parent" means a person who is a custodial parent or a noncustodial parent taking an active role in the care and supervision of a child and who has not yet graduated from secondary school as provided in Section 22-22 of this Code, unless the context otherwise requires.

"Sexual violence" means sexual assault, abuse, or stalking of an adult or minor child proscribed in the Criminal Code of 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1, 12-15, and 12-16, including sexual violence committed by perpetrators who are strangers to the victim and sexual violence committed by perpetrators who are known or related by blood or marriage to the victim.

"Student" means any youth enrolled, eligible to enroll, or previously enrolled in a school who has not yet graduated from secondary school as provided in Section 22-22 of this Code.

"Victim" means an individual who has been subjected to one or more acts of domestic or sexual violence.

"Youth", except as otherwise provided in this Code, means a child, student, or juvenile below the age of 21 years who has not yet completed his or her prescribed course of study or has not graduated from secondary school as provided in Section 22-22 of this Code. "Youth" includes, but is not limited to, unaccompanied youth not in the physical custody of a parent or guardian.

(b) The State Board of Education shall convene an Ensuring Success in School Task Force to develop policies, procedures, and protocols to be adopted by school districts for addressing the educational and related needs of children and youth who are parents, expectant parents, or victims of domestic or sexual violence to ensure their ability to stay in school, stay safe while in school, and successfully complete their education. The State Board of Education shall be the agency responsible for providing staff and administrative support to the task force.

(c) The Ensuring Success in School Task Force shall do all of the following:

(1) Conduct a thorough examination of the barriers to school attendance, safety, and completion for children and youth who are parents, expectant parents, or victims of domestic or sexual violence.

(2) Conduct a discovery process that includes relevant research and the identification of effective policies, protocols, and programs within this State and elsewhere.

(3) Conduct meetings and public hearings in geographically diverse locations throughout the State to ensure the maximum input from area advocates and service providers, from local education agencies, and from children and youth who are parents, expectant parents, or victims of domestic or sexual violence and their parents or guardians.

(4) Establish and adhere to procedures and protocols to allow children and youth who are parents, expectant parents, or victims of domestic or sexual violence, their parents or guardians, and advocates who work on behalf of such children and youth to participate in the task force anonymously and confidentially.

(5) Invite the testimony of and confer with experts on relevant topics.

(6) Produce a report of the task force's findings on best practices and policies, which shall include a plan with a phased and prioritized implementation timetable with focus on ensuring the successful and safe completion of school for children and youth who are parents, expectant parents, or victims of domestic or sexual violence. The task force shall submit a report to the General Assembly on or before January 1, 2009 on its findings, recommendations, and implementation plan. Any task force reports shall be published on the State Board of Education's Internet website on the date the report is delivered to the General Assembly.

(7) Recommend new legislation or proposed rules developed by the task force.

(d) The President of the Senate and the Speaker of the House of Representatives shall each appoint one co-chairperson of the Ensuring Success in School Task Force. In addition to the 2 co-chairpersons, the task force shall be comprised of each of the following members, appointed by the State Board of Education, and shall be representative of the geographic, racial, ethnic, and cultural diversity of this State:

(1) A representative of a statewide nonprofit, nongovernmental domestic violence organization.

(2) A domestic violence victims' advocate or service provider from a different nonprofit, nongovernmental domestic violence organization.

(3) A representative of a statewide nonprofit, nongovernmental sexual assault organization.

(4) A sexual assault victims' advocate or service provider from a different nonprofit, nongovernmental sexual assault organization.

(5) A teen parent advocate or service provider from a nonprofit, nongovernmental organization.

(6) A school social worker.

(7) A school psychologist.

(8) A school counselor.

(9) A representative of a statewide professional teachers' organization.

(10) A representative of a different statewide professional teachers' organization.

(11) A representative of a statewide organization that represents school boards.

(12) A representative of a statewide organization representing principals.

(13) A representative of City of Chicago School District 299.

(14) A representative of a nonprofit, nongovernmental youth services provider.

(15) A representative of a statewide nonprofit, nongovernmental multi-issue advocacy organization with expertise in a cross-section of relevant issues.

(16) An alternative education service provider.

(17) A representative from a regional office of education.

(18) A truancy intervention services provider.

(19) A youth who is a parent or expectant parent directly affected by the issues, problems, and concerns of staying in school and successfully completing his or her education through high school.

(20) A youth who is a victim of domestic or sexual violence directly affected by the issues, problems, and concerns of staying in school and successfully completing his or her education.

(21) A parent or guardian of a child or youth who is a parent or expectant parent directly affected by the issues, problems, and concerns of staying in school and successfully completing his or her education.

(22) A parent or guardian of a child or youth who is a victim of domestic or sexual violence directly affected by the issues, problems, and concerns of staying in school and successfully completing his or her education.

The task force shall also consist of the State Superintendent of Education, the Secretary of Human Services, the Director of Healthcare and Family Services, the Director of Children and Family Services, and the Director of Public Health or their designees.

(e) Members of the Ensuring Success in School Task Force shall receive no compensation for their participation, but may be reimbursed by the State Board of Education for expenses in connection with their participation, including travel, if funds are available. However, members of the task force who are youth who are parents, expectant parents, or victims of domestic or sexual violence and the parents or guardians of such youth shall be reimbursed for their travel expenses connected to their participation in the task force.

(105 ILCS 5/10-22.39) (from Ch. 122, par. 10-22.39)

Sec. 10-22.39. In-service training programs.

(a) To conduct in-service training programs for teachers.

(b) In addition to other topics at in-service training ~~such~~ programs, school guidance counselors, teachers and other school personnel who work with pupils in grades 7 through 12 shall be trained to identify the warning signs of suicidal behavior in adolescents and teens and shall be taught appropriate intervention and referral techniques.

(c) School guidance counselors, nurses, teachers and other school personnel who work with pupils may be trained to have a basic knowledge of matters relating to acquired immunodeficiency syndrome (AIDS), including the nature of the disease, its causes and effects, the means of detecting it and preventing its transmission, and the availability of appropriate sources of counseling and referral, and any other information that may be appropriate considering the age and grade level of such pupils. The School Board shall supervise such training. The State Board of Education and the Department of Public Health shall jointly develop standards for such training.

(d) In this subsection (d):

"Domestic violence" means abuse by a family or household member, as "abuse" and "family or household members" are defined in Section 103 of the Illinois Domestic Violence Act of 1986.

"Expectant parent" means a female who is pregnant or a male who voluntarily identifies himself as the parent of an unborn child by seeking services for teen parents and who has not yet graduated from secondary school as provided in Section 22-22 of this Code.

"Parent" means a person who is a custodial parent or a noncustodial parent taking an active role in the care and supervision of a child and who has not yet graduated from secondary school as provided in Section 22-22 of this Code, unless the context otherwise requires.

"Perpetrator" means an individual who commits or is alleged to have committed any act of domestic or sexual violence.

"Sexual violence" means sexual assault, abuse, or stalking of an adult or minor child proscribed in the Criminal Code of 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1, 12-15, and 12-16, including sexual violence committed by perpetrators who are strangers to the victim and sexual violence committed by perpetrators who are known or related by blood or marriage to the victim.

"Student" or "pupil" means any youth enrolled, eligible to enroll, or previously enrolled in a school who has not yet graduated from secondary school as provided in Section 22-22 of this Code.

"Victim" means an individual who has been subjected to one or more acts of domestic or sexual violence.

"Youth", except as otherwise provided in this Code, means a child, student, or juvenile below the age of 21 years who has not yet completed his or her prescribed course of study or has not graduated from secondary school as provided in Section 22-22 of this Code. "Youth" includes, but is not limited to, unaccompanied youth not in the physical custody of a parent or guardian.

At least once every 2 years, an in-service training program for school personnel who work with pupils, including, but not limited to, school and school district administrators, teachers, school guidance counselors, school social workers, school counselors, school psychologists, and school nurses, must be conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting youth and shall include training concerning (i) communicating with and listening to youth victims of domestic or sexual violence and expectant and parenting youth, (ii) connecting youth victims of domestic or sexual violence and expectant and parenting youth to appropriate in-school services and other agencies, programs, and services as needed, and (iii) implementing the school district's policies, procedures, and protocols with regard to such youth, including confidentiality. At a minimum, school personnel must be trained to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence.

(Source: P.A. 86-900.)

Section 99. Effective date. This Act takes effect upon becoming law.".

AMENDMENT NO. 2. Amend House Bill 1330, AS AMENDED, with reference to page and line

numbers of Senate Amendment No. 1, as follows:
by deleting line 9 on page 1 through line 2 on page 2; and
on page 2, by deleting lines 7 through 16; and
by deleting line 24 on page 2 through line 9 on page 3; and
on page 7, line 10, after "of", by inserting the following:
"one member appointed by the Minority Leader of the Senate, one member appointed by the Minority Leader of the House of Representatives,"; and
by deleting line 25 on page 8 through line 10 on page 9; and
by deleting line 18 on page 9 through line 4 on page 10.

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 1330 were placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1080

A bill for AN ACT concerning transportation.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 1080
Passed the Senate, as amended, May 25, 2007.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1 . Amend House Bill 1080, on page 6, line 15, by replacing "Act." with "Act, and that involved the operation or use of a motor vehicle or the use of a driver's license or permit."; and
on page 10, line 21, by replacing "Act." with "Act, and that involved the operation or use of a motor vehicle or the use of a driver's license or permit."; and
on page 17, line 13, by replacing "Act." with "Act, and that involved the operation or use of a motor vehicle or the use of a driver's license or permit."; and
on page 31, line 25, after "(10),", by inserting "and that the offense involved the operation or use of a motor vehicle or the use of a driver's license or permit,".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 1080 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1019

A bill for AN ACT concerning animals.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 1019
Passed the Senate, as amended, May 25, 2007.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 1019 by replacing everything after the enacting clause with the following:

"Section 5. The Meat and Poultry Inspection Act is amended by changing Section 5.2 as follows:

(225 ILCS 650/5.2)

Sec. 5.2. Type II licenses.

(a) Type II establishments licensed under this Act for custom slaughtering and custom processing shall:

(1) Be permitted to receive, for processing, meat products and poultry products from animals and poultry slaughtered by the owner or for the owner for his or her own personal use or for use by his or her household.

(2) Be permitted to receive live animals and poultry presented by the owner to be slaughtered and processed for the owner's own personal use or for use by his or her household.

(3) Be permitted to receive, for processing, inspected meat products and inspected poultry products for the owner's own personal use or for use by his or her household.

(4) Stamp the words "NOT FOR SALE-NOT INSPECTED" in letters at least 3/8 inches in height on all carcasses of animals and immediate poultry product containers for poultry slaughtered in such establishment and on all meat products and immediate poultry product containers for poultry products processed in that establishment.

(5) Conspicuously display a license issued by the Department and bearing the words "NO SALES PERMITTED".

(6) Keep a record of the name and address of the owner of each carcass or portion thereof received in such licensed establishment, the date received, and the dressed weight. Such records shall be maintained for at least one year and shall be available, during reasonable hours, for inspection by Department personnel.

(b) No custom slaughterer or custom processor shall engage in the business of buying or selling any poultry or meat products capable of use as human food, or slaughter of any animals or poultry intended for sale.

(c) Each Type II licensee shall develop, implement, and maintain written standard operating procedures for sanitation, which shall be known as Sanitation SOPs, in accordance with all of the following requirements:

(1) The Sanitation SOPs must describe all procedures that a Type II licensee shall conduct daily, before and during operations, sufficient to prevent direct contamination or adulteration of products.

(2) The Sanitation SOPs must be signed and dated by the individual with overall authority on-site or a higher level official of the establishment. This signature shall signify that the establishment shall implement the Sanitation SOPs as specified and maintain the Sanitation SOPs in accordance with the requirements of this subsection (c). The Sanitation SOPs must be signed and dated upon the initial implementation of the Sanitation SOPs and upon any modification to the Sanitation SOPs.

(3) Procedures set forth in the Sanitation SOPs that are to be conducted prior to operations must be identified as such and must address, at a minimum, the cleaning of food contact surfaces of facilities, equipment, and utensils.

(4) The Sanitation SOPs must specify the frequency with which each procedure in the Sanitation SOPs shall be conducted and identify the establishment employees responsible for the implementation and maintenance of the procedures.

(5) Prior to the start of operations, each licensee must conduct the pre-operational procedures in the Sanitation SOPs. All other procedures set forth in the Sanitation SOPs must be conducted at the frequencies specified.

(6) The implementation of the procedures set forth in the Sanitation SOPs must be monitored daily by the licensee.

(7) A licensee must routinely evaluate the effectiveness of the Sanitation SOPs and the procedures set forth therein in preventing direct contamination or adulteration of products and shall revise both as necessary to keep the Sanitation SOPs and the procedures set forth therein effective and current with respect to changes in facilities, equipment, utensils, operations, or personnel.

(8) A licensee must take appropriate corrective action when either the establishment itself or the Department determines that the Sanitation SOPs or the procedures specified therein or the implementation or maintenance of the Sanitation SOPs may have failed to prevent direct contamination or adulteration of products. Corrective actions include procedures to ensure appropriate disposition of products that may be

contaminated, restore sanitary conditions, and prevent the recurrence of direct contamination or adulteration of products, such as appropriate reevaluation and modification of the Sanitation SOPs and the procedures specified therein or appropriate improvements in the execution of the Sanitation SOPs or the procedures specified therein.

(9) A licensee must maintain daily records sufficient to document the implementation and monitoring of the Sanitation SOPs and any corrective actions taken. The establishment employees specified in the Sanitation SOPs as being responsible for the implementation and monitoring of the procedures set forth in the Sanitation SOPs must authenticate these records with their initials and the date. The records required to be maintained under this item (9) may be maintained on computers, provided that the establishment implements appropriate controls to ensure the integrity of the electronic data. Records must be maintained for at least 6 months and made available to the Department upon request. All records must be maintained at the licensed establishment for 48 hours following completion, after which the records may be maintained off-site, provided that the records may be made available to the Department within 24 hours of request.

(10) The Department shall verify the adequacy and effectiveness of the Sanitation SOPs and the procedures specified therein by determining that they meet the requirements of this subsection (c). This verification may include the following:

(A) reviewing the Sanitation SOPs;

(B) reviewing the daily records documenting the implementation of the Sanitation SOPs and the procedures set forth therein and any corrective actions taken or required to be taken;

(C) direct observation of the implementation of the Sanitation SOPs and the procedures specified therein and any corrective actions taken or required to be taken; and

(D) direct observation or testing to assess the sanitary conditions within the establishment.

(d) Each Type II licensee that slaughters livestock must test for Escherichia coli Biotype 1 (E. coli). Licensees that slaughter more than one type of livestock or both livestock and poultry must test the type of livestock or poultry slaughtered in the greatest number. The testing required under this subsection (d) must meet all of the following requirements:

(1) A licensee must prepare written specimen collection procedures that identify the employees designated to collect samples and must address (i) locations of sampling, (ii) the ways in which sampling randomness is achieved, and (iii) the handling of samples to ensure sample integrity. This written procedure must be made available to the Department upon request.

(2) Livestock samples must be collected from all chilled livestock carcasses, except those boned before chilling (hot-boned), which must be sampled after the final wash. Samples must be collected in the following manner:

(A) for cattle, establishments must sponge or excise tissue from the flank, brisket, and rump, except for hide-on calves, in which case establishments must take samples by sponging from inside the flank, inside the brisket, and inside the rump;

(B) for sheep and goats, establishments must sponge from the flank, brisket, and rump, except for hide-on carcasses, in which case establishments must take samples by sponging from inside the flank, inside the brisket, and inside the rump;

(C) for swine carcasses, establishments must sponge or excise tissue from the ham, belly, and jowl areas.

(3) A licensee must collect at least one sample per week, starting the first full week of operation after June 1 of each year, and continue sampling at a minimum of once each week in which the establishment operates until June 1 of the following year or until 13 samples have been collected, whichever is sooner.

(4) Upon a licensee's meeting the requirements of item (3) of this subsection (d), weekly sampling and testing shall be optional, unless changes are made in establishment facilities, equipment, personnel, or procedures that may affect the adequacy of existing process control measures, as determined by the licensee or the Department. Determinations made by the Department that changes have been made requiring the resumption of weekly testing must be provided to the licensee in writing.

(5) Laboratories may use any quantitative method for the analysis of E. coli that is approved as an AOAC Official Method of the AOAC International (formerly the Association of Official Analytical Chemists) or approved and published by a scientific body and based on the results of a collaborative trial conducted in accordance with an internationally recognized protocol on collaborative trials and compared against the 3 tube Most Probable Number (MPN) method and agreeing with the 95% upper and lower confidence limit of the appropriate MPN index.

(6) A licensee must maintain accurate records of all test results, in terms of CFU/cm^2 of surface area sponged or excised. Results must be recorded onto a process control chart or table showing at least the most

recent 13 test results, by type of livestock slaughtered. Records shall be retained at the establishment for a period of 12 months and made available to the Department upon request.

(7) Licensees must meet the following criteria for the evaluation of test results:

(A) A licensee excising samples from carcasses shall be deemed as operating within the criteria of this item (7) when the most recent E. coli test result does not exceed the upper limit (M), and the number of samples, if any, testing positive at levels above (m) is 3 or fewer out of the most recent 13 samples (n) taken, as follows:

Evaluation of E. Coli Test Results

Type of Livestock	Lower limit of marginal range	Upper limit of marginal range	Number samples collected	Max number permitted in marginal range
	(m)	(M)	(n)	(c)
Cattle	Negative a	100 CFU/cm^2	13	3
Swine	10 CFU/cm^2	10,000 CFU/cm	13	3

a Negative is defined by the sensitivity of the method used in the baseline study with a limit of sensitivity of at least 5 CFU/cm^2 carcass surface area.

(B) A licensee sponging carcasses shall evaluate E. coli test results using statistical process control techniques.

(8) Test results that do not meet the criteria set forth in item (7) of this subsection (d) are an indication that the establishment may not be maintaining process controls sufficient to prevent fecal contamination. The Department shall take further action as appropriate to ensure that all applicable provisions of this Section are being met.

(e) Each Type II licensee that slaughters poultry shall test for Escherichia coli Biotype 1 (E. coli). Licensees that slaughter more than one type of poultry or poultry and livestock, shall test the type of poultry or livestock slaughtered in the greatest number. The testing required under this subsection (e) must meet all of the following requirements:

(1) A licensee must prepare written specimen collection procedures that identify the employees designated to collect samples and must address (i) locations of sampling, (ii) the ways in which sampling randomness is achieved, and (iii) the handling of samples to ensure sample integrity. This written procedure must be made available to the Department upon request.

(2) When collecting poultry samples, a whole bird must be taken from the end of the slaughter line. Samples must be collected by rinsing the whole carcass in an amount of buffer appropriate for that type of bird. Samples from turkeys or ratites also may be collected by sponging the carcass on the back and thigh.

(3) Licensees that slaughter turkeys, ducks, geese, guineas, squabs, or ratites in the largest number must collect at least one sample during each week of operation after June 1 of each year, and continue sampling at a minimum of once each week that the establishment operates until June 1 of the following year or until 13 samples have been collected, whichever is sooner.

(4) Upon a licensee's meeting the requirements of item (3) of this subsection (e), weekly sampling and testing shall be optional, unless changes are made in establishment facilities, equipment, personnel, or procedures that may affect the adequacy of existing process control measures, as determined by the licensee or by the Department. Determinations by the Department that changes have been made requiring the resumption of weekly testing must be provided to the licensee in writing.

(5) Laboratories may use any quantitative method for the analysis of E. coli that is approved as an AOAC Official Method of the AOAC International (formerly the Association of Official Analytical Chemists) or approved and published by a scientific body and based on the results of a collaborative trial conducted in accordance with an internationally recognized protocol on collaborative trials and compared against the 3 tube Most Probable Number (MPN) method and agreeing with the 95% upper and lower confidence limit of the appropriate MPN index.

(6) A licensee must maintain accurate records of all test results, in terms of CFU/ml of rinse fluid. Results must be recorded onto a process control chart or table showing the most recent 13 test results, by type of poultry slaughtered. Records must be retained at the establishment for a period of 12 months and made available to the Department upon request.

(7) A licensee excising samples under this subsection (e) shall be deemed as operating within the criteria of this item (7) when the most recent E. coli test result does not exceed the upper limit (M), and the

number of samples, if any, testing positive at levels above (m) is 3 or fewer out of the most recent 13 samples (n) taken, as follows:

Evaluation of E. Coli Test Results

Type of poultry	Lower limit of marginal range	Upper limit of marginal range	Number of samples tested	Number permitted in marginal range
	(m)	(M)	(n)	(c)
Chickens	100 CFU/ml	1,000 CFU/ml	13	3

(8) Test results that do not meet the criteria set forth in item (7) of this subsection (e) are an indication that the establishment may not be maintaining process controls sufficient to prevent fecal contamination. The Department shall take further action as appropriate to ensure that all applicable provisions of this Section are being met.

(Source: P.A. 94-1052, eff. 1-1-07.)

Section 10. The Illinois Diseased Animals Act is amended by changing Sections 1, 2, 3, 4, 6, 9, 10, 13, 20, 21, 22, and 24 as follows:

(510 ILCS 50/1) (from Ch. 8, par. 168)

Sec. 1. For the purposes of this Act:

"Department" means the Department of Agriculture of the State of Illinois.

"Director" means the Director of the Illinois Department of Agriculture, or his duly appointed representative.

"Contagious or infectious disease" means a specific disease designated by the Department as contagious or infectious under rules pertaining to this Act.

"Contaminated" or "contamination" means for an animal to come into contact with a chemical or radiological substance at a level which may be considered to be harmful to humans or other animals if they come into contact with the contaminated animal or consume parts of the contaminated animal.

"Reportable disease" means a specific disease designated by the Department as reportable under rules pertaining to this Act.

"Animals" means domestic animals, poultry, and wild animals in captivity.

"Exposed to" means for an animal to come in contact with another animal or an environment that is capable of transmitting a contagious, infectious, or reportable disease. An animal will no longer be considered as "exposed to" when it is beyond the standard incubation time for the disease and the animal has been tested negative for the specific disease or there is no evidence that the animal is contagious, except for animals exposed to Johne's disease. Animals originating from a herd where Johne's disease has been diagnosed will be considered no longer "exposed to" with a negative test. The negative test must have been conducted within 30 days prior to the sale or movement.

"Swap meet" means an organized event where animals including, but not limited to, dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets, are sold, traded, or exchange hands.

(Source: P.A. 93-980, eff. 8-20-04.)

(510 ILCS 50/2) (from Ch. 8, par. 169)

Sec. 2. It is the duty of the Department to investigate all cases or alleged cases coming to its knowledge of contamination or contagious and infectious diseases among animals within the State and to provide for the suppression, prevention, and extirpation of contamination or infectious and contagious diseases of such animals.

The Department may make and adopt reasonable rules and regulations for the administration and enforcement of the provisions of this Act. No rule or regulation made, adopted or issued by the Department pursuant to the provisions of this Act shall be effective unless such rule or regulation has been submitted to the Advisory Board of Livestock Commissioners for approval. All rules of the Department, and all amendments or revocations of existing rules, shall be recorded in an appropriate book or books, shall be adequately indexed, shall be kept in the office of the Department, and shall constitute a public record. Such rules shall be printed in pamphlet form and furnished, upon request, to the public free of cost.

(Source: P.A. 77-108.)

(510 ILCS 50/3) (from Ch. 8, par. 170)

Sec. 3. Upon its becoming known to the Department that any animals are infected, or suspected of being infected, with any contagious or infectious disease, or contaminated with any chemical or radiological substance, the Department shall have the authority to quarantine and to cause proper examination thereof to

be made. If ~~; and if~~ such disease is found to be of a dangerously contagious or dangerously infectious nature, or the contamination level is such that may be harmful to humans or other animals, the Department shall order such diseased or contaminated animals and such as have been exposed to such disease or contamination, and the premises in or on which they are, or have recently occupied, to be quarantined. The Department shall also have the authority to issue area-wide quarantines on animals and premises in order to control the spread of the dangerously contagious or infectious disease and to reduce the spread of contamination. The Department may, in connection with any such quarantine, order that no animal which has been or is so diseased, contaminated, or exposed to such disease or contamination, may be removed from the premises so quarantined and that no animal susceptible to such disease or contamination may be brought therein or thereon, except under such rules as the Department may prescribe.
(Source: P.A. 90-385, eff. 8-15-97.)

(510 ILCS 50/4) (from Ch. 8, par. 171)

Sec. 4. The Department may order the slaughter of any or all of such diseased, contaminated, or exposed animals.

The Department may disinfect, and, if they cannot be properly disinfected, may destroy, all barns, stables, outbuildings, premises and personal property contaminated or infected with any such contaminant or contagious or infectious disease as in its judgment is necessary to prevent the spread of any such contaminant or disease; and may order the disinfection of all cars, boats or other vehicles used in transporting animals affected with any such contaminant or disease, or that have been exposed to the contaminant, contagion, or infection thereof, and the disinfection of all yards, pens and chutes that may have been used in handling such contaminated, diseased, or exposed animals.
(Source: Laws 1961, p. 3164.)

(510 ILCS 50/6) (from Ch. 8, par. 173)

Sec. 6. Whenever quarantine is established in accordance with the provisions of this Act, notice shall be given by delivery in person or by mailing by registered or certified mail, postage prepaid, to the owner or occupant of any premises so quarantined. Such notice shall be written or printed, or partly written and partly printed, with an explanation of the contents thereof. Such quarantine shall be sufficiently proved in any court by the production of a true copy of such notice of quarantine together with an affidavit, sworn to by the officer or employee of the Department who delivered or mailed such notice, containing a statement that the original thereof was delivered or mailed in the manner herein prescribed.

Every quarantine so established shall remain in effect until removed by order of the Department. Any person aggrieved by any quarantine may appeal to the Department which shall thereupon sustain, modify or annul the quarantine as it may deem proper. Quarantines will be removed when epidemiological evidence indicates that the disease or contamination threat to humans or other animals no longer exists.
(Source: Laws 1967, p. 905.)

(510 ILCS 50/9) (from Ch. 8, par. 176)

Sec. 9. The Department may promulgate and adopt reasonable rules and regulations to prevent the spread of any contamination or contagious or infectious disease within this State. If the condition so warrants, the Director may request the Governor to issue a proclamation quarantining an affected municipality or geographical district whereby all animals of the kind diseased or contaminated would not be permitted to be moved from one premises to another within the municipality or geographical district, or over any public highway, or any unfenced lot or piece of ground, or from being brought into, or taken from the infected or contaminated municipality or geographical district, except by a special permit, signed by the Director. Any such proclamation shall, from the time of its publication, bind all persons. Within one week after the publication of any such proclamation, every person who owns, or who is in charge of animals of the kind diseased or contaminated within the municipality or geographical district, shall report to the Department the number and description of such animals, their location, and the name and address of the owner or person in charge, and during the continuance of the quarantine to report to the Department all cases of sickness, deaths or births among such animals.
(Source: P.A. 81-196.)

(510 ILCS 50/10) (from Ch. 8, par. 177)

Sec. 10. The Department may promulgate and adopt reasonable rules and regulations to prevent the entry into Illinois of any animals which may be contaminated or infected with, or which may have been exposed to, any contaminant or contagious or infectious disease. If the condition so warrants, the Director may request the Governor to issue a proclamation whereby any animals contaminated or diseased or those exposed to disease and any carcasses or portions of carcasses, feed, seed, bedding, equipment or other material capable of conveying contamination or infection will be prohibited from entering Illinois.

(Source: P.A. 81-196.)

(510 ILCS 50/13) (from Ch. 8, par. 180)

Sec. 13. The Department shall cooperate with any commissioner or other officer appointed by the United States authorities, in connection with carrying out any provision of any United States Statute providing for the suppression and prevention of contamination or contagious and infectious diseases among animals, in suppression and preventing the spread of contamination or contagious and infectious diseases among animals in this State.

The inspectors of the Animal Health Division of the United States Department of Agriculture and the Illinois Department of Agriculture have the right of inspection, quarantine and condemnation of animals affected with any contamination or contagious or infectious disease, or suspected to be so affected, or that have been exposed to any such contamination or disease, and for these purposes are authorized to enter upon any ground or premises. Such inspectors may call on sheriffs and peace officers to assist them in the discharge of their duties in carrying out the provisions of any such statute, referred to in the preceding paragraph, and the sheriffs and peace officers shall assist such inspectors when so requested. Such inspectors shall have the same powers and protection as peace officers while engaged in the discharge of their duties.

(Source: P.A. 91-457, eff. 1-1-00.)

(510 ILCS 50/20) (from Ch. 8, par. 187)

Sec. 20. Any person who knowingly transports, receives or conveys into this State any animals, carcasses or portions of carcasses, feed, seed, bedding, equipment, or other material capable of conveying contamination or infection as defined and prohibited in a proclamation issued by the Governor under the provisions of Section 10 of this Act is guilty of a business offense, and upon conviction thereof shall be fined not less than $1,000 nor more than $10,000, for each offense, and shall be liable for all damages or loss that may be sustained by any person by reason of such importation of such prohibited animals, or prohibited materials, which penalty may be recovered in the circuit court in any county in this State into or through which such animals or materials are brought.

(Source: P.A. 81-196.)

(510 ILCS 50/21) (from Ch. 8, par. 188)

Sec. 21. Any person who, knowing that any contamination or contagious or infectious disease exists among his animals, conceals such fact, or knowing of the existence of such disease, sells any animal or animals so contaminated or diseased, or any exposed animal, or knowing the same, removes any such contaminated, diseased, or exposed animal from his premises to the premises of another, or along any public highway, or knowing of the existence of such contamination, disease, or exposure thereto, transports, drives, leads or ships any animal so contaminated, diseased, or exposed, by any motor vehicle, car or steamboat, to any place in or out of this State; and any person who brings any such contaminated or diseased, or knowingly, brings any such contaminated or exposed animals into this State from another state; and any person who knowingly buys, receives, sells, conveys, or engages in the traffic of such contaminated, diseased, or exposed stock, and any person who violates any quarantine regulation established under the provisions of this or any other Act, for each, either, any or all acts above mentioned in this Section, is guilty of a petty offense and shall forfeit all right to any compensation for any animal or property destroyed under the provisions of this Act.

(Source: P.A. 91-457, eff. 1-1-00.)

(510 ILCS 50/22) (from Ch. 8, par. 189)

Sec. 22. Any veterinarian having information of the existence of any contamination or reportable disease among animals in this State, who fails to promptly report such knowledge to the Department, shall be guilty of a business offense and shall be fined in any sum not exceeding $1,000 for each offense.

(Source: P.A. 90-385, eff. 8-15-97.)

(510 ILCS 50/24) (from Ch. 8, par. 191)

Sec. 24. Any owner or person having charge of any animal and having knowledge of, or reasonable grounds to suspect the existence among them of any contamination or contagious or infectious disease and who does not use reasonable means to prevent the spread of such contamination or disease or violates any quarantine; or who conveys upon or along any public highway or other public grounds or any private lands, any contaminated or diseased animal, or animal known to have died of, or been slaughtered on account of, any contamination or contagious or infectious disease, except in the case of transportation for medical treatment or diagnosis, shall be liable in damages to the person or persons who may have suffered loss on account thereof.

(Source: P.A. 90-385, eff. 8-15-97; 91-457, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 1019 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1011

A bill for AN ACT concerning regulation.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 1011
Senate Amendment No. 2 to HOUSE BILL NO. 1011
Passed the Senate, as amended, May 25, 2007.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 1011 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 16-107.5 as follows:

(220 ILCS 5/16-107.5 new)

Sec. 16-107.5. Net electricity metering.

(a) The Legislature finds and declares that a program to provide net electricity metering, as defined in this Section, for eligible customers can encourage private investment in renewable energy resources, stimulate economic growth, enhance the continued diversification of Illinois' energy resource mix, and protect the Illinois environment.

(b) As used in this Section, (i) "eligible customer" means a retail customer that owns or operates a solar, wind, or other eligible renewable electrical generating facility with a rated capacity of not more than 2,000 kilowatts that is located on the customer's premises and is intended primarily to offset the customer's own electrical requirements; (ii) "electricity provider" means an electric utility or alternative retail electric supplier; (iii) "eligible renewable electrical generating facility" means a generator powered by solar electric energy, wind, dedicated crops grown for electricity generation, anaerobic digestion of livestock or food processing waste, fuel cells or microturbines powered by renewable fuels, or hydroelectric energy; and (iv) "net electricity metering" (or "net metering") means the measurement, during the billing period applicable to an eligible customer, of the net amount of electricity supplied by an electricity provider to the customer's premises or provided to the electricity provider by the customer.

(c) A net metering facility shall be equipped with metering equipment that can measure the flow of electricity in both directions at the same rate. For eligible residential customers, this shall typically be accomplished through use of a single, bi-directional meter. If the eligible customer's existing electric revenue meter does not meet this requirement, the electricity provider shall arrange for the local electric utility or a meter service provider to install and maintain a new revenue meter at the electricity provider's expense. For non-residential customers, the electricity provider may arrange for the local electric utility or a meter service provider to install and maintain metering equipment capable of measuring the flow of electricity both into and out of the customer's facility at the same rate and ratio, typically through the use of a dual channel meter. For generators with a nameplate rating of 40 kilowatts and below, the costs of installing such equipment shall be paid for by the electricity provider. For generators with a nameplate rating over 40 kilowatts and up to 2,000 kilowatts capacity, the costs of installing such equipment shall be paid for by the customer. Any subsequent revenue meter change necessitated by any eligible customer shall be paid for by the customer.

(d) An electricity provider shall measure and charge or credit for the net electricity supplied to eligible customers or provided by eligible customers in the following manner:

(1) If the amount of electricity used by the customer during the billing period exceeds the amount of

electricity produced by the customer, the electricity provider shall charge the customer for the net electricity supplied to and used by the customer as provided in subsection (e) of this Section.

(2) If the amount of electricity produced by a customer during the billing period exceeds the amount of electricity used by the customer during that billing period, the electricity provider supplying that customer shall apply a 1:1 kilowatt-hour credit to a subsequent bill for service to the customer for the net electricity supplied to the electricity provider. The electricity provider shall continue to carry over any excess kilowatt-hour credits earned and apply those credits to subsequent billing periods to offset any customer-generator consumption in those billing periods until all credits are used or until the end of the annualized period.

(3) At the end of the year or annualized over the period that service is supplied by means of net energy metering, or in the event that the retail customer terminates service with the electricity provider prior to the end of the year or the annualized period, any remaining credits in the customer's account shall expire.

(e) An electricity provider shall provide to net energy metering customers electric service at non-discriminatory rates that are identical, with respect to rate structure, retail rate components, and any monthly charges, to the rates that the customer would be charged if not a net energy metering customer. An electricity provider shall not charge net energy metering customers any fee or charge or require additional equipment, insurance, or any other requirements not specifically authorized by interconnection standards authorized by the Commission, unless the fee, charge, or other requirement would apply to other similarly situated customers who are not net energy metering customers. The customer will remain responsible for all taxes, fees, and utility delivery charges that would otherwise be applicable to the net amount of electricity used by the customer. Subsections (c) through (e) of this Section shall not be construed to prevent an arms-length agreement between an electricity provider and an eligible customer that sets forth different prices, terms, and conditions for the provision of net metering service, including, but not limited to, the provision of the appropriate metering equipment for non-residential customers.

(f) Notwithstanding the requirements of subsections (c) through (e) of this Section, an electricity provider must provide dual-channel metering for non-residential customers operating eligible renewable electrical generating facilities with a nameplate rating over 40 kilowatts and up to 2,000 kilowatts. In such cases, electricity charges and credits shall be determined as follows:

(1) The electricity provider shall assess and the customer remains responsible for all taxes, fees, and utility delivery charges that would otherwise be applicable to the gross amount of kilowatt-hours supplied to the eligible customer by the electricity provider.

(2) Each month that service is supplied by means of dual-channel metering, the electricity provider shall compensate the eligible customer for any excess kilowatt-hour credits at the electricity provider's avoided cost of electricity supply over the monthly period or as otherwise specified by the terms of a power-purchase agreement negotiated between the customer and electricity provider.

(3) For all eligible net-metering customers taking service from an electricity provider under contracts or tariffs employing time of use rates, any monthly consumption of electricity shall be calculated according to the terms of the contract or tariff to which the same customer would be assigned to or be eligible for if the customer was not a net-metering customer. When those same customer-generators are net generators during any discrete time of use period, the net kilowatt-hours produced shall be valued at the same price per kilowatt-hour as the electric service provider would charge for retail kilowatt-hour sales during that same time of use period.

(g) For purposes of federal and State laws providing renewable energy credits or greenhouse gas credits, the eligible customer shall be treated as owning and having title to the renewable energy attributes, renewable energy credits, and greenhouse gas emission credits related to any electricity produced by the qualified generating unit. The electricity provider may not condition participation in a net-metering program on the signing over of a customer's renewable energy credits; provided, however, this subsection (g) shall not be construed to prevent an arms-length agreement between an electricity provider and an eligible customer that sets forth the ownership or title of the credits.

(h) Within 120 days after the effective date of this amendatory Act of the 95th General Assembly, the Commission shall establish standards for net energy metering and, if the Commission has not already acted on its own initiative, standards for the interconnection of eligible renewable generating equipment to the utility system. The interconnection standards shall address any procedural barriers, delays, and administrative costs associated with the interconnection of customer-generation while ensuring the safety and reliability of the units and the electric utility system. The Commission shall consider the Institute of Electrical and Electronics Engineers (IEEE) Standard 1547 and the issues of (i) reasonable and fair fees and costs, (ii) clear timelines for major milestones in the interconnection process, (iii) nondiscriminatory terms

of agreement, and (iv) any best practices for interconnection of distributed generation.

(i) All electricity providers shall begin to offer net energy metering no later than April 1, 2008.

(j) An electricity provider shall provide net energy metering to eligible customers until the load of its net energy metering customers equals 1% of the total peak demand supplied by that electricity provider during the previous year. Electricity providers are authorized to offer net energy metering beyond the 1% level if they so choose. The number of new eligible customers with generators that have a nameplate rating of 40 kilowatts and below will be limited to 200 total new billing accounts for the utilities (Ameren Companies, ComEd, and MidAmerican) for the period of April 1, 2008 through March 31, 2009.

(k) Each electricity provider shall maintain records and report annually to the Commission the total number of net energy metering customers served by the provider, as well as the type, capacity, and energy sources of the generating systems used by the net energy metering customers. Nothing in this Section shall limit the ability of an electricity provider to request the redaction of information deemed by the Commission to be confidential business information. Each electricity provider shall notify the Commission when the total generating capacity of its net energy metering customers is equal to or in excess of the 1% cap specified in subsection (j) of this Section.

(l) Notwithstanding the definition of "eligible customer" in item (i) of subsection (b) of this Section, each electricity provider shall consider whether to allow meter aggregation for the purposes of net metering on:

(1) properties owned or leased by multiple customers that contribute to the operation of an eligible renewable electrical generating facility, such as a community-owned wind project or a community methane digester processing livestock waste from multiple sources; and

(2) individual units, apartments, or properties owned or leased by multiple customers and collectively served by a common eligible renewable electrical generating facility, such as an apartment building served by photovoltaic panels on the roof.

For the purposes of this subsection (l), "meter aggregation" means the combination of reading and billing on a pro rata basis for the types of eligible customers described in this Section.

(m) Nothing in this Section shall affect the right of an electricity provider to continue to provide, or the right of a retail customer to continue to receive service pursuant to a contract for electric service between the electricity provider and the retail customer in accordance with the prices, terms, and conditions provided for in that contract. Either the electricity provider or the customer may require compliance with the prices, terms, and conditions of the contract.

Section 99. Effective date. This Act takes effect upon becoming law.".

AMENDMENT NO. 2. Amend House Bill 1011, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 5, line 10, by replacing "provide" with "require".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 1011 were placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 991

A bill for AN ACT concerning coroners.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 991

Passed the Senate, as amended, May 25, 2007.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 991 on page 4, line 1, after "coroner", by inserting "or medical examiner"; and

on page 4, line 2, by replacing "blood, tissue, and saliva specimens" with "blood and buccal specimens

(tissue may be submitted if no uncontaminated blood or buccal specimen can be obtained)"; and
on page 4, by replacing lines 4 and 5 with "Within 45 days after the collection of the specimens, the coroner or medical examiner shall deliver those specimens, dried, to the Illinois Department of State"; and
on page 4, line 11, after "Corrections.", by inserting the following:
"The requirements of this paragraph are in addition to any other findings, specimens, or information that the coroner or medical examiner is required to provide during the conduct of a criminal investigation.".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 991 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the passage of a bill of the following title to-wit:

HOUSE BILL NO. 975

A bill for AN ACT concerning criminal law.
Passed by the Senate, May 25, 2007.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 68

Concurred in the Senate, May 25, 2007.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1384

A bill for AN ACT concerning energy efficiency.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 1384
Passed the Senate, as amended, May 25, 2007.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 1384 on page 2, by deleting lines 17 through 22.

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 1384 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 1132

A bill for AN ACT concerning appropriations.

Passed by the Senate, May 25, 2007.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILL 1132 was ordered reproduced and placed on the order of Senate Bills - First Reading.

CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Osmond was removed as principal sponsor, and Representative Eddy became the new principal sponsor of SENATE BILL 184.

With the consent of the affected members, Representative Acevedo was removed as principal sponsor, and Representative McAuliffe became the new principal sponsor of SENATE BILL 1545.

With the consent of the affected members, Representative Black was removed as principal sponsor, and Representative Sullivan became the new principal sponsor of SENATE BILL 1014.

With the consent of the affected members, Representative Colvin was removed as principal sponsor, and Representative Granberg became the new principal sponsor of SENATE BILL 1314.

AGREED RESOLUTIONS

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.

HOUSE RESOLUTION 464

Offered by Representative Cross:

Congratulates Timothy E. Gillian for his public service as Commissioner of the Village of Forest Park.

HOUSE RESOLUTION 465

Offered by Representative Ramey:

Congratulates the Carol Stream Police Department on ranking third among DUI arrests on the annual list compiled by the Alliance Against Intoxicated Motorists.

HOUSE RESOLUTION 466

Offered by Representative Ramey:

Congratulates Carol Stream Deputy Police Chief Lance Oakland on his retirement.

HOUSE RESOLUTION 468

Offered by Representative Pihos:

Congratulates the faculty, staff, students, and alumni of Benedictine University in Lisle on the 120th anniversary of the institution.

HOUSE RESOLUTION 469

Offered by Representative Phelps:

Congratulates D.J. Douglas for winning first place in the red wine category in the Amateur Winemakers of Central Illinois' third annual competition.

HOUSE RESOLUTION 470

Offered by Representative Dunkin:

Congratulates Ronald S. Wos on his retirement from the State of Illinois House Democratic Staff.

HOUSE RESOLUTION 471

Offered by Representative Pihos:

Recognizes Reid Colliander, a brave young man surviving a brain tumor and raising money for Children's Memorial Hospital and the Brain Tumor Research unit.

SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative May, SENATE BILL 126 was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the negative by the following vote:

36, Yeas; 78, Nays; 1, Answering Present.

(ROLL CALL 2)

This bill, having failed to receive the votes of a constitutional majority of the Members elected, was declared lost.

On motion of Representative Reitz, SENATE BILL 169 was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

102, Yeas; 13, Nays; 0, Answering Present.

(ROLL CALL 3)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Reitz, SENATE BILL 201 was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

115, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 4)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Sacia, SENATE BILL 216 was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:
115, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 5)
This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.
Ordered that the Clerk inform the Senate.

On motion of Representative Yarbrough, SENATE BILL 220 was taken up and read by title a third time.
The chair moves this bill to standard debate.
And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:
113, Yeas; 2, Nays; 0, Answering Present.
(ROLL CALL 6)
This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.
Ordered that the Clerk inform the Senate.

On motion of Representative Mathias, SENATE BILL 223 was taken up and read by title a third time.
And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:
114, Yeas; 1, Nays; 0, Answering Present.
(ROLL CALL 7)
This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.
Ordered that the Clerk inform the Senate.

On motion of Representative Bellock, SENATE BILL 233 was taken up and read by title a third time.
And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:
106, Yeas; 0, Nays; 9, Answering Present.
(ROLL CALL 8)
This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.
Ordered that the Clerk inform the Senate.

On motion of Representative Bost, SENATE BILL 253 was taken up and read by title a third time.
And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:
114, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 9)
This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.
Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Tracy, SENATE BILL 274 was taken up and read by title a third time.
And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:
112, Yeas; 3, Nays; 0, Answering Present.
(ROLL CALL 10)
This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.
Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Coulson, SENATE BILL 280 was taken up and read by title a third time.
And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

113, Yeas; 1, Nays; 0, Answering Present.
(ROLL CALL 11)
This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.
Ordered that the Clerk inform the Senate.

On motion of Representative Reboletti, SENATE BILL 284 was taken up and read by title a third time.
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:
115, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 12)
This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.
Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Meyer, SENATE BILL 285 was taken up and read by title a third time.
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:
66, Yeas; 49, Nays; 0, Answering Present.
(ROLL CALL 13)
This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.
Ordered that the Clerk inform the Senate.

RECALL

At the request of the principal sponsor, Representative Eddy, SENATE BILL 417 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Crespo, HOUSE BILL 3477 was taken up and read by title a third time.
The Chair moves this bill to standard debate.
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:
115, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 14)
This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.
Ordered that the Clerk inform the Senate and ask their concurrence.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Currie, SENATE BILL 338 was taken up and read by title a third time.
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:
115, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 15)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

HOUSE BILLS ON SECOND READING

HOUSE BILL 1134. Having been reproduced, was taken up and read by title a second time.

Floor Amendment No. 1 remained in the Committee on Rules.

Committee Amendment No. 2 remained in the Committee on Smart Growth & Regional Planning.

Floor Amendment No. 3 remained in the Committee on Rules.

Representative Bassi offered the following amendment and moved its adoption:

AMENDMENT NO. 4. Amend House Bill 1134 by replacing everything after the enacting clause with the following:

"Section 3. The State Finance Act is amended by adding Sections 5.675 and 6z-69 as follows:

(30 ILCS 105/5.675 new)

Sec. 5.675. Comprehensive Regional Planning Fund.

(30 ILCS 105/6z-69 new)

Sec. 6z-69. Comprehensive Regional Planning Fund.

(a) As soon as possible after July 1, 2007, and on each July 1 thereafter, the State Treasurer shall transfer $5,000,000 from the General Revenue Fund to the Comprehensive Regional Planning Fund.

(b) Subject to appropriation, the Illinois Department of Transportation shall make lump sum distributions from the Comprehensive Regional Planning Fund as soon as possible after each July 1 to the recipients and in the amounts specified in subsection (c). The recipients must use the moneys for comprehensive regional planning purposes.

(c) Each year's distribution under subsection (b) shall be as follows: (i) 70% to the Chicago Metropolitan Agency for Planning (CMAP); (ii) 25% to the State's other Metropolitan Planning Organizations (exclusive of CMAP), each Organization receiving a percentage equal to the percent its area population represents to the total population of the areas of all the State's Metropolitan Planning Organizations (exclusive of CMAP); and (iii) 5% to the State's Rural Planning Agencies, each Agency receiving a percentage equal to the percent its area population represents to the total population of the areas of all the State's Rural Planning Agencies.

Section 5. The Illinois Pension Code is amended by changing Sections 7-132 and 14-103.05 and by adding Sections 7-139.12 and 14-104.13 as follows:

(40 ILCS 5/7-132) (from Ch. 108 1/2, par. 7-132)

Sec. 7-132. Municipalities, instrumentalities and participating instrumentalities included and effective dates.

(A) Municipalities and their instrumentalities.

(a) The following described municipalities, but not including any with more than 1,000,000 inhabitants, and the instrumentalities thereof, shall be included within and be subject to this Article beginning upon the effective dates specified by the Board:

(1) Except as to the municipalities and instrumentalities thereof specifically excluded under this Article, every county shall be subject to this Article, and all cities, villages and incorporated towns having a population in excess of 5,000 inhabitants as determined by the last preceding decennial or subsequent federal census, shall be subject to this Article following publication of the census by the Bureau of the Census. Within 90 days after publication of the census, the Board shall notify any municipality that has become subject to this Article as a result of that census, and shall provide information to the corporate authorities of the municipality explaining the duties and consequences of participation. The notification shall also include a proposed date upon which participation by the municipality will commence.

However, for any city, village or incorporated town that attains a population over 5,000 inhabitants after having provided social security coverage for its employees under the Social

Security Enabling Act, participation under this Article shall not be mandatory but may be elected in accordance with subparagraph (3) or (4) of this paragraph (a), whichever is applicable.

(2) School districts, other than those specifically excluded under this Article, shall be subject to this Article, without election, with respect to all employees thereof.

(3) Towns and all other bodies politic and corporate which are formed by vote of, or are subject to control by, the electors in towns and are located in towns which are not participating municipalities on the effective date of this Act, may become subject to this Article by election pursuant to Section 7-132.1.

(4) Any other municipality (together with its instrumentalities), other than those specifically excluded from participation and those described in paragraph (3) above, may elect to be included either by referendum under Section 7-134 or by the adoption of a resolution or ordinance by its governing body. A copy of such resolution or ordinance duly authenticated and certified by the clerk of the municipality or other appropriate official of its governing body shall constitute the required notice to the board of such action.

(b) A municipality that is about to begin participation shall submit to the Board an application to participate, in a form acceptable to the Board, not later than 90 days prior to the proposed effective date of participation. The Board shall act upon the application within 90 days, and if it finds that the application is in conformity with its requirements and the requirements of this Article, participation by the applicant shall commence on a date acceptable to the municipality and specified by the Board, but in no event more than one year from the date of application.

(c) A participating municipality which succeeds to the functions of a participating municipality which is dissolved or terminates its existence shall assume and be transferred the net accumulation balance in the municipality reserve and the municipality account receivable balance of the terminated municipality.

(d) In the case of a Veterans Assistance Commission whose employees were being treated by the Fund on January 1, 1990 as employees of the county served by the Commission, the Fund may continue to treat the employees of the Veterans Assistance Commission as county employees for the purposes of this Article, unless the Commission becomes a participating instrumentality in accordance with subsection (B) of this Section.

(B) Participating instrumentalities.

(a) The participating instrumentalities designated in paragraph (b) of this subsection shall be included within and be subject to this Article if:

(1) an application to participate, in a form acceptable to the Board and adopted by a two-thirds vote of the governing body, is presented to the Board not later than 90 days prior to the proposed effective date; and

(2) the Board finds that the application is in conformity with its requirements, that the applicant has reasonable expectation to continue as a political entity for a period of at least 10 years and has the prospective financial capacity to meet its current and future obligations to the Fund, and that the actuarial soundness of the Fund may be reasonably expected to be unimpaired by approval of participation by the applicant.

The Board shall notify the applicant of its findings within 90 days after receiving the application, and if the Board approves the application, participation by the applicant shall commence on the effective date specified by the Board.

(b) The following participating instrumentalities, so long as they meet the requirements of Section 7-108 and the area served by them or within their jurisdiction is not located entirely within a municipality having more than one million inhabitants, may be included hereunder:

i. Township School District Trustees.

ii. Multiple County and Consolidated Health Departments created under Division 5-25 of the Counties Code or its predecessor law.

iii. Public Building Commissions created under the Public Building Commission Act, and located in counties of less than 1,000,000 inhabitants.

iv. A multitype, consolidated or cooperative library system created under the Illinois Library System Act. Any library system created under the Illinois Library System Act that has one or more predecessors that participated in the Fund may participate in the Fund upon application. The Board shall establish procedures for implementing the transfer of rights and obligations from the predecessor system to the successor system.

v. Regional Planning Commissions created under Division 5-14 of the Counties Code or its predecessor law.

vi. Local Public Housing Authorities created under the Housing Authorities Act, located in counties of less than 1,000,000 inhabitants.

vii. Illinois Municipal League.

viii. Northeastern Illinois Metropolitan Area Planning Commission.

ix. Southwestern Illinois Metropolitan Area Planning Commission.

x. Illinois Association of Park Districts.

xi. Illinois Supervisors, County Commissioners and Superintendents of Highways Association.

xii. Tri-City Regional Port District.

xiii. An association, or not-for-profit corporation, membership in which is authorized under Section 85-15 of the Township Code.

xiv. Drainage Districts operating under the Illinois Drainage Code.

xv. Local mass transit districts created under the Local Mass Transit District Act.

xvi. Soil and water conservation districts created under the Soil and Water Conservation Districts Law.

xvii. Commissions created to provide water supply or sewer services or both under Division 135 or Division 136 of Article 11 of the Illinois Municipal Code.

xviii. Public water districts created under the Public Water District Act.

xix. Veterans Assistance Commissions established under Section 9 of the Military Veterans Assistance Act that serve counties with a population of less than 1,000,000.

xx. The governing body of an entity, other than a vocational education cooperative, created under an intergovernmental cooperative agreement established between participating municipalities under the Intergovernmental Cooperation Act, which by the terms of the agreement is the employer of the persons performing services under the agreement under the usual common law rules determining the employer-employee relationship. The governing body of such an intergovernmental cooperative entity established prior to July 1, 1988 may make participation retroactive to the effective date of the agreement and, if so, the effective date of participation shall be the date the required application is filed with the fund. If any such entity is unable to pay the required employer contributions to the fund, then the participating municipalities shall make payment of the required contributions and the payments shall be allocated as provided in the agreement or, if not so provided, equally among them.

xxi. The Illinois Municipal Electric Agency.

xxii. The Waukegan Port District.

xxiii. The Fox Waterway Agency created under the Fox Waterway Agency Act.

xxiv. The Illinois Municipal Gas Agency.

xxv. The Kaskaskia Regional Port District.

xxvi. The Southwestern Illinois Development Authority.

xxvii. The Cairo Public Utility Company.

xxviii. Except with respect to employees who elect to participate in the State Employees' Retirement System of Illinois under Section 14-104.13 of this Code, the Chicago Metropolitan Agency for Planning created under the Regional Planning Act, provided that, with respect to the benefits payable pursuant to Sections 7-146, 7-150, and 7-164 and the requirement that eligibility for such benefits is conditional upon satisfying a minimum period of service or a minimum contribution, any employee of the Chicago Metropolitan Agency for Planning that was immediately prior to such employment an employee of the Chicago Area Transportation Study or the Northeastern Illinois Planning Commission, such employee's service at the Chicago Area Transportation Study or the Northeastern Illinois Planning Commission and contributions to the State Employees' Retirement System of Illinois established under Article 14 and the Illinois Municipal Retirement Fund shall count towards the satisfaction of such requirements.

(c) The governing boards of special education joint agreements created under Section 10-22.31 of the School Code without designation of an administrative district shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special education joint agreement in effect before September 5, 1975 shall not be subject to this Article unless the joint agreement is modified by the school districts to provide that the governing board is subject to this Article, except as otherwise provided by this Section.

The governing board of the Special Education District of Lake County shall become subject to this Article as a participating instrumentality on July 1, 1997. Notwithstanding subdivision (a)1 of Section 7-139, on the effective date of participation, employees of the governing board of the Special Education District of Lake County shall receive creditable service for their prior service with that employer, up to a

maximum of 5 years, without any employee contribution. Employees may establish creditable service for the remainder of their prior service with that employer, if any, by applying in writing and paying an employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service must be made before July 1, 1998; the payment may be made at any time while the employee is still in service. The employer may elect to make the required contribution on behalf of the employee.

The governing board of a special education joint agreement created under Section 10-22.31 of the School Code for which an administrative district has been designated, if there are employees of the cooperative educational entity who are not employees of the administrative district, may elect to participate in the Fund and be included within this Article as a participating instrumentality, subject to such application procedures and rules as the Board may prescribe.

The Boards of Control of cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code, whether or not the Boards act as their own administrative district, shall be included within and be subject to this Article as participating instrumentalities when the agreement establishing the cooperative or joint educational program or project becomes effective.

The governing board of a special education joint agreement entered into after June 30, 1984 and prior to September 17, 1985 which provides for representation on the governing board by less than all the participating districts shall be included within and subject to this Article as a participating instrumentality. Such participation shall be effective as of the date the joint agreement becomes effective.

The governing boards of educational service centers established under Section 2-3.62 of the School Code shall be included within and subject to this Article as participating instrumentalities. The governing boards of vocational education cooperative agreements created under the Intergovernmental Cooperation Act and approved by the State Board of Education shall be included within and be subject to this Article as participating instrumentalities. If any such governing boards or boards of control are unable to pay the required employer contributions to the fund, then the school districts served by such boards shall make payment of required contributions as provided in Section 7-172. The payments shall be allocated among the several school districts in proportion to the number of students in average daily attendance for the last full school year for each district in relation to the total number of students in average attendance for such period for all districts served. If such educational service centers, vocational education cooperatives or cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code are dissolved, the assets and obligations shall be distributed among the districts in the same proportions unless otherwise provided.

(d) The governing boards of special recreation joint agreements created under Section 8-10b of the Park District Code, operating without designation of an administrative district or an administrative municipality appointed to administer the program operating under the authority of such joint agreement shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special recreation joint agreement in effect before January 1, 1980 shall not be subject to this Article unless the joint agreement is modified, by the districts and municipalities which are parties to the agreement, to provide that the governing board is subject to this Article.

If the Board returns any employer and employee contributions to any employer which erroneously submitted such contributions on behalf of a special recreation joint agreement, the Board shall include interest computed from the end of each year to the date of payment, not compounded, at the rate of 7% per annum.

(e) Each multi-township assessment district, the board of trustees of which has adopted this Article by ordinance prior to April 1, 1982, shall be a participating instrumentality included within and subject to this Article effective December 1, 1981. The contributions required under Section 7-172 shall be included in the budget prepared under and allocated in accordance with Section 2-30 of the Property Tax Code.

(f) The Illinois Medical District Commission created under the Illinois Medical District Act

may be included within and subject to this Article as a participating instrumentality, notwithstanding that the location of the District is entirely within the City of Chicago. To become a participating instrumentality, the Commission must apply to the Board in the manner set forth in paragraph (a) of this subsection (B). If the Board approves the application, under the criteria and procedures set forth in paragraph (a) and any other applicable rules, criteria, and procedures of the Board, participation by the Commission shall commence on the effective date specified by the Board.

(C) Prospective participants.

Beginning January 1, 1992, each prospective participating municipality or participating instrumentality shall pay to the Fund the cost, as determined by the Board, of a study prepared by the Fund or its actuary, detailing the prospective costs of participation in the Fund to be expected by the municipality or instrumentality.

(Source: P.A. 93-777, eff. 7-21-04; 94-1046, eff. 7-24-06.)

(40 ILCS 5/7-139.12 new)

Sec. 7-139.12. Transfer of creditable service to Article 14. A person employed by the Chicago Metropolitan Agency for Planning (formerly the Regional Planning Board) on the effective date of this Section who was a member of the State Employees' Retirement System of Illinois as an employee of the Chicago Area Transportation Study may apply for transfer of his or her creditable service as an employee of the Chicago Metropolitan Agency for Planning upon payment of (1) the amounts accumulated to the credit of the applicant for such service on the books of the Fund on the date of transfer and (2) the corresponding municipality credits, including interest, on the books of the Fund on the date of transfer. Participation in this Fund with respect to the transferred credits shall terminate on the date of transfer.

(40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)

Sec. 14-103.05. Employee.

(a) Any person employed by a Department who receives salary for personal services rendered to the Department on a warrant issued pursuant to a payroll voucher certified by a Department and drawn by the State Comptroller upon the State Treasurer, including an elected official described in subparagraph (d) of Section 14-104, shall become an employee for purpose of membership in the Retirement System on the first day of such employment.

A person entering service on or after January 1, 1972 and prior to January 1, 1984 shall become a member as a condition of employment and shall begin making contributions as of the first day of employment.

A person entering service on or after January 1, 1984 shall, upon completion of 6 months of continuous service which is not interrupted by a break of more than 2 months, become a member as a condition of employment. Contributions shall begin the first of the month after completion of the qualifying period.

A person employed by the Chicago Metropolitan Agency for Planning on the effective date of this amendatory Act of the 95th General Assembly who was a member of this System as an employee of the Chicago Area Transportation Study and makes an election under Section 14-104.13 to participate in this System for his or her employment with the Chicago Metropolitan Agency for Planning.

The qualifying period of 6 months of service is not applicable to: (1) a person who has been granted credit for service in a position covered by the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, the General Assembly Retirement System, or the Judges Retirement System of Illinois unless that service has been forfeited under the laws of those systems; (2) a person entering service on or after July 1, 1991 in a noncovered position; or (3) a person to whom Section 14-108.2a or 14-108.2b applies.

(b) The term "employee" does not include the following:

(1) members of the State Legislature, and persons electing to become members of the General Assembly Retirement System pursuant to Section 2-105;

(2) incumbents of offices normally filled by vote of the people;

(3) except as otherwise provided in this Section, any person appointed by the Governor with the advice and consent of the Senate unless that person elects to participate in this system;

(3.1) any person serving as a commissioner of an ethics commission created under the State Officials and Employees Ethics Act unless that person elects to participate in this system with respect to that service as a commissioner;

(3.2) any person serving as a part-time employee in any of the following positions: Legislative Inspector General, Special Legislative Inspector General, employee of the Office of the Legislative Inspector General, Executive Director of the Legislative Ethics Commission, or staff of the Legislative Ethics Commission, regardless of whether he or she is in active service on or after July 8, 2004 (the effective date of Public Act 93-685), unless that person elects to participate in this System with respect to that service; in this item (3.2), a "part-time employee" is a person who is not required to work at least 35 hours per week;

(3.3) any person who has made an election under Section 1-123 and who is serving either as legal counsel in the Office of the Governor or as Chief Deputy Attorney General;

(4) except as provided in Section 14-108.2 or 14-108.2c, any person who is covered or

eligible to be covered by the Teachers' Retirement System of the State of Illinois, the State Universities Retirement System, or the Judges Retirement System of Illinois;

(5) an employee of a municipality or any other political subdivision of the State;

(6) any person who becomes an employee after June 30, 1979 as a public service employment program participant under the Federal Comprehensive Employment and Training Act and whose wages or fringe benefits are paid in whole or in part by funds provided under such Act;

(7) enrollees of the Illinois Young Adult Conservation Corps program, administered by the Department of Natural Resources, authorized grantee pursuant to Title VIII of the "Comprehensive Employment and Training Act of 1973", 29 USC 993, as now or hereafter amended;

(8) enrollees and temporary staff of programs administered by the Department of Natural Resources under the Youth Conservation Corps Act of 1970;

(9) any person who is a member of any professional licensing or disciplinary board created under an Act administered by the Department of Professional Regulation or a successor agency or created or re-created after the effective date of this amendatory Act of 1997, and who receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership of this System, and this amendatory Act of 1987 (P.A. 84-1472) is not intended to effect any change in the status of such persons;

(10) any person who is a member of the Illinois Health Care Cost Containment Council, and receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership of this System, and this amendatory Act of 1987 is not intended to effect any change in the status of such persons;

(11) any person who is a member of the Oil and Gas Board created by Section 1.2 of the Illinois Oil and Gas Act, and receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; or

(12) a person employed by the State Board of Higher Education in a position with the Illinois Century Network as of June 30, 2004, who remains continuously employed after that date by the Department of Central Management Services in a position with the Illinois Century Network and participates in the Article 15 system with respect to that employment.

(c) An individual who represents or is employed as an officer or employee of a statewide labor organization that represents members of this System may participate in the System and shall be deemed an employee, provided that (1) the individual has previously earned creditable service under this Article, (2) the individual files with the System an irrevocable election to become a participant within 6 months after the effective date of this amendatory Act of the 94th General Assembly, and (3) the individual does not receive credit for that employment under any other provisions of this Code. An employee under this subsection (c) is responsible for paying to the System both (i) employee contributions based on the actual compensation received for service with the labor organization and (ii) employer contributions based on the percentage of payroll certified by the board; all or any part of these contributions may be paid on the employee's behalf or picked up for tax purposes (if authorized under federal law) by the labor organization.

A person who is an employee as defined in this subsection (c) may establish service credit for similar employment prior to becoming an employee under this subsection by paying to the System for that employment the contributions specified in this subsection, plus interest at the effective rate from the date of service to the date of payment. However, credit shall not be granted under this subsection (c) for any such prior employment for which the applicant received credit under any other provision of this Code or during which the applicant was on a leave of absence.

(Source: P.A. 93-685, eff. 7-8-04; 93-839, eff. 7-30-04; 93-1069, eff. 1-15-05; 94-1111, eff. 2-27-07.)

(40 ILCS 5/14-104.13 new)

Sec. 14-104.13. Chicago Metropolitan Agency for Planning; employee election.

(a) Within one year after the effective date of this Section, a person employed by the Chicago Metropolitan Agency for Planning (formerly the Regional Planning Board) on the effective date of this Section who was a member of this System as an employee of the Chicago Area Transportation Study may elect to participate in this System for his or her employment with the Chicago Metropolitan Agency for Planning.

(b) An employee who elects to participate in the System pursuant to subsection (a) may elect to transfer any creditable service earned by the employee under the Illinois Municipal Retirement Fund for his or her employment with the Chicago Metropolitan Agency for Planning (formerly the Regional Planning Board)

upon payment to this System of the amount by which (1) the employer and employee contributions that would have been required if the employee had participated in this System during the period for which the credit under Section 7-139.12 is being transferred, plus interest thereon from the date of such participation to the date of payment, exceeds (2) the amounts actually transferred under Section 7-139.12 to this System.

Section 10. The Regional Planning Act is amended by changing Sections 5, 10, 15, 20, 25, 45, 55, 60, and 65 and by adding Sections 44, 47, 48, 51, 55, 61, 62, 63, and 65 as follows:

(70 ILCS 1707/5)

Sec. 5. Purpose. The General Assembly declares and determines that a streamlined, consolidated regional planning agency is necessary in order to plan for the most effective public and private investments in the northeastern Illinois region and to better integrate plans for land use and transportation. The purpose of this Act is to define and describe the powers and responsibilities of the Chicago Metropolitan Agency for Planning, a unit of government whose purpose it is to effectively address the development and transportation challenges in the northeastern Illinois region. ~~It is the intent of the General Assembly to consolidate, through an orderly transition, the functions of the Northeastern Illinois Planning Commission (NIPC) and the Chicago Area Transportation Study (CATS) in order to address the development and transportation challenges in the northeastern Illinois region.~~

(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1707/10)

Sec. 10. Definitions.

"Board" means the ~~Regional Planning~~ Board of the Chicago Metropolitan Agency for Planning.

"CMAP" means the Chicago Metropolitan Agency for Planning.

~~"CATS" means the Chicago Area Transportation Study.~~

~~"CATS Policy Committee" means the policy board of the Chicago Area Transportation Study.~~

"Chief elected county official" means the Board Chairman in DuPage, Kane, Kendall, Lake, and McHenry Counties and the County Executive in Will County.

"Fiscal year" means the fiscal year of the State.

"IDOT" means the Illinois Department of Transportation.

"MPO" means the metropolitan planning organization designated under 23 U.S.C. 134.

"Members" means the members of the ~~Regional Planning~~ Board.

~~"NIPC" means the Northeastern Illinois Planning Commission.~~

"Person" means an individual, partnership, firm, public or private corporation, State agency, transportation agency, or unit of local government.

"Policy Committee" means the decision-making body of the MPO.

"Region" or "northeastern Illinois region" means Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will Counties.

"State agency" means "agency" as defined in Section 1-20 of the Illinois Administrative Procedure Act.

~~"Transition period" means the period of time the Regional Planning Board takes to fully implement the funding and implementation strategy described under subsection (a) of Section 15.~~

"Transportation agency" means the Regional Transportation Authority and its Service Boards; the Illinois Toll Highway Authority; the Illinois Department of Transportation; and the transportation functions of units of local government.

"Unit of local government" means a unit of local government, as defined in Section 1 of Article VII of the Illinois Constitution, that is located within the jurisdiction and area of operation of the Board.

"USDOT" means the United States Department of Transportation.

(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1707/15)

Sec. 15. Chicago Metropolitan Agency for Planning; structure ~~Regional Planning Board; powers~~.

(a) The Chicago Metropolitan Agency for Planning ~~Regional Planning Board~~ is established as a political subdivision, body politic, and municipal corporation. The Board shall be responsible for developing and adopting a funding and implementation strategy for an integrated land use and transportation planning process for the northeastern Illinois region. ~~The strategy shall include a process for the orderly transition of the CATS Policy Committee to be a standing transportation planning body of the Board and NIPC to be a standing comprehensive planning body of the Board. The CATS Policy Committee and NIPC shall continue to exist and perform their duties throughout the transition period. The strategy must also include recommendations for legislation for transition, which must contain a complete description of recommended comprehensive planning functions of the Board and an associated funding strategy and recommendations related to consolidating the functions of the Board, the CATS Policy Committee, and NIPC. The Board~~

~~shall submit its strategy to the General Assembly no later than September 1, 2006.~~

(b) (Blank.) ~~The Regional Planning Board shall, in addition to those powers enumerated elsewhere in this Act:~~

~~(1) Provide a policy framework under which all regional plans are developed.~~

~~(2) Coordinate regional transportation and land use planning.~~

~~(3) Identify and promote regional priorities.~~

~~(4) Serve as a single point of contact and direct all public involvement activities.~~

~~(5) Create a Citizens' Advisory Committee.~~

(c) The Board shall consist of 15 voting members as follows:

(1) One member from DuPage County appointed cooperatively by the mayors of DuPage County and the chief elected county official of DuPage County.

(2) One member representing both Kane and Kendall Counties appointed cooperatively by the mayors of Kane County and Kendall County and the chief elected county officials of Kane County and Kendall County.

(3) One member from Lake County appointed cooperatively by the mayors of Lake County and the chief elected county official of Lake County.

(4) One member from McHenry County appointed cooperatively by the mayors of McHenry County and the chief elected county official of McHenry County.

(5) One member from Will County appointed cooperatively by the mayors of Will County and the chief elected county official of Will County.

(6) Five members from the City of Chicago appointed by the Mayor of the City of Chicago.

(7) One member from that portion of Cook County outside of the City of Chicago appointed by the President of the Cook County Board of Commissioners.

(8) Four members from that portion of Cook County outside of the City of Chicago appointed, with the consent of the President of the Cook County Board of Commissioners, as follows:

(i) One by the mayors representing those communities in Cook County that are outside of the City of Chicago and north of Devon Avenue.

(ii) One by the mayors representing those communities in Cook County that are outside of the City of Chicago, south of Devon Avenue, and north of Interstate 55, and in addition the Village of Summit.

(iii) One by the mayors representing those communities in Cook County that are outside of the City of Chicago, south of Interstate 55, and west of Interstate 57, excluding the communities of Summit, Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and Tinley Park.

(iv) One by the mayors representing those communities in Cook County that are outside of the City of Chicago and east of Interstate 57, and, in addition, the communities of Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and Tinley Park.

The terms of the members initially appointed to the Board shall begin within 60 days after this Act takes effect.

(d) The CMAP Board may ~~CATS Policy Committee and NIPC shall each~~ appoint ~~one of their members to serve as a~~ non-voting members ~~member~~ of the ~~Regional Planning~~ Board.

(e) (1) The CMAP Board shall create a Wastewater Committee with the responsibility of recommending directly to the Illinois Environmental Protection Agency (IEPA) the appropriateness of proposed requests for modifications and amendments to the established boundaries of wastewater facility planning areas, requests for the creation of new wastewater facility planning areas, requests for the elimination of existing wastewater facility planning areas, requests for new or expanded sewage treatment facilities, or any other amendments to the State of Illinois Water Quality Management Plan required under the federal Clean Water Act. The Chairmanship of the Wastewater Committee shall rotate every 24 months between the individuals described in subsections (e)(2)(iv) and (e)(2)(v) with the individual identified in subsection (e)(2)(v) serving as chairman for the initial 24-month period commencing on the effective date of this amendatory Act of the 95th General Assembly.

(2) The Wastewater Committee shall consist of 5 members of the CMAP Board designated as follows:

(i) One member of the Wastewater Committee shall be one of the CMAP Board members designated in subsection (c)(1) through (c)(5).

(ii) One member of the Wastewater Committee shall be one of the CMAP Board members designated in subsection (c)(6).

(iii) One member of the Wastewater Committee shall be one of the CMAP Board members

designated in subsection (c)(7) or (c)(8).

(iv) One member of the Wastewater Committee shall be a person appointed by the President of the Metropolitan Water Reclamation District of Greater Chicago (and who does not need to serve on the CMAP Board).

(v) One member of the Wastewater Committee shall be a person appointed by the President of the largest statewide association of wastewater agencies (and who does not need to serve on the CMAP Board).

(3) Terms of the members of the Wastewater Committee shall be consistent with those identified in Section 25, except that the term of the member of the Wastewater Committee appointed by the President of the Metropolitan Water Reclamation District of Greater Chicago shall expire on July 1, 2009, and the term of the member of the Wastewater Committee appointed by the President of the largest statewide association of wastewater agencies shall expire on July 1, 2009.

(f) With the exception of matters considered and recommended by the Wastewater Committee directly to the IEPA, which shall require only a concurrence of a simple majority of the Wastewater Committee members in office, concurrence ~~Concurrence~~ of four-fifths of the Board members in office is necessary for the Board to take any action

~~, including remanding regional plans with comments to the CATS Policy Committee and NIPC~~.

(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1707/20)

Sec. 20. Duties. In addition to those duties enumerated elsewhere in this Act, the ~~Regional Planning~~ Board shall:

(a) ~~(1)~~ Hire an executive director to act as the chief administrative officer and to direct and coordinate all staff work.

(b) Provide a policy framework under which all regional plans are developed.

(c) Coordinate regional transportation and land use planning.

(d) Identify and promote regional priorities. ~~to coordinate staff work of CATS and NIPC. The executive director shall hire a deputy for comprehensive planning and a deputy for transportation planning with the approval of NIPC and the CATS Policy Committee, respectively.~~

~~(2) Merge the staffs of CATS and NIPC into a single staff over a transition period that protects current employees' benefits.~~

~~(3) Secure agreements with funding agencies to provide support for Board operations.~~

~~(4) Develop methods to handle operational and administrative matters relating to the transition, including labor and employment matters, pension benefits, equipment and technology, leases and contracts, office space, and excess property.~~

~~(5) Notwithstanding any other provision of law to the contrary, within 180 days after this Act becomes law, locate the staffs of CATS and NIPC within the same office.~~

(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1707/25)

Sec. 25. Operations.

(a) Each appointing authority shall give notice of its Board appointments to each other appointing authority, to the Board, and to the Secretary of State. Within 30 days after his or her appointment and before entering upon the duties of the office, each Board member shall take and subscribe to the constitutional oath of office and file it with the Secretary of State. Board members shall hold office for a term of 4 years or until successors are appointed and qualified. The terms of the initial Board members shall expire as follows:

(1) The terms of the member from DuPage County and the member representing both Kane and Kendall Counties shall expire on July 1, 2007.

(2) The terms of those members from Lake, McHenry, and Will Counties shall expire on July 1, 2009.

(3) As designated at the time of appointment, the terms of 2 members from the City of Chicago shall expire on July 1, 2007 and the terms of 3 members from the City of Chicago shall expire on July 1, 2009.

(4) The term of the member appointed by the President of the Cook County Board of Commissioners shall expire on July 1, 2007.

(5) The terms of those members appointed, with the consent of the President of the Cook County Board of Commissioners, by the mayors representing those communities in Cook County that are outside of the City of Chicago and north of Devon Avenue shall expire on July 1, 2007.

(6) The terms of those members appointed, with the consent of the President of the Cook

County Board of Commissioners, by the mayors representing those communities in Cook County that are outside of the City of Chicago, south of Interstate 55, and west of Interstate 57, excluding the communities of Summit, Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and Tinley Park, shall expire on July 1, 2007.

(7) The terms of those members appointed, with the consent of the President of the Cook County Board of Commissioners, by the mayor representing those communities in Cook County that are outside of the City of Chicago, south of Devon Avenue, and north of Interstate 55, and, in addition, the Village of Summit, shall expire on July 1, 2009.

(8) The terms of those members appointed, with the consent of the President of the Cook County Board of Commissioners, by the mayors representing those communities in Cook County that are outside of the City of Chicago and east of Interstate 57, and, in addition, the communities of Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and Tinley Park, shall expire on July 1, 2009.

(b) If a vacancy occurs, the appropriate appointing authority shall fill the vacancy by an appointment for the unexpired term. Board members shall receive no compensation, but shall be reimbursed for expenses incurred in the performance of their duties.

(c) The Board shall be so appointed as to represent the City of Chicago, that part of Cook County outside the City of Chicago, and that part of the metropolitan region outside of Cook County on a one man one vote basis. Within 6 months after the release of each certified federal decennial census, the Board shall review its composition and, if a change is necessary in order to comply with the representation requirements of this subsection (c), shall recommend the necessary revision for approval by the General Assembly.

(d) Regular meetings of the Board shall be held at least once in each calendar quarter. The time and place of Board meetings shall be fixed by resolution of the Board. Special meetings of the Board may be called by the chairman or a majority of the Board members. A written notice of the time and place of any special meeting shall be provided to all Board members at least 3 days prior to the date fixed for the meeting, except that if the time and place of a special meeting is fixed at a regular meeting at which all Board members are present, no such written notice is required. A majority of the Board members in office constitutes a quorum for the purpose of convening a meeting of the Board.

(e) The meetings of the Board shall be held in compliance with the Open Meetings Act. The Board shall maintain records in accordance with the provisions of the State Records Act.

(f) At its initial meeting and its first regular meeting after July 1 of each year thereafter, the Board ~~shall appoint~~ from its membership shall appoint a chairman and may appoint vice chairmen ~~chairman~~ and shall provide the term and duties of those officers pursuant to its bylaws. ~~The vice chairman shall act as chairman during the absence or disability of the chairman and in case of resignation or death of the chairman.~~ Before entering upon duties of office, the chairman shall execute a bond with corporate sureties to be approved by the Board and shall file it with the principal office of the Board. The bond shall be payable to the Board in whatever penal sum may be directed and shall be conditioned upon the faithful performance of the duties of office and the payment of all money received by the chairman according to law and the orders of the Board. The Board may appoint, from time to time, an executive committee and standing and ad hoc committees to assist in carrying out its responsibilities.

(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1707/44 new)

Sec. 44. Regional Data and Information Program. CMAP shall be the authoritative source for regional data collection, exchange, dissemination, analysis, evaluation, forecasting and modeling. With the involvement of state, regional, and local governments and agencies, CMAP shall create and maintain a timely, ongoing, and coordinated data and information sharing program that will provide the best available data on the region. This program shall include a publicly accessible mechanism for data access and distribution. CMAP's official forecasts shall be the foundation for all planning in the region.

(70 ILCS 1707/45)

Sec. 45. Regional comprehensive plan. At intervals not to exceed every 5 years, or as needed to be consistent with federal law, the Board shall develop a regional comprehensive plan that integrates land use and transportation. The regional comprehensive plan and any modifications to it shall be developed cooperatively by the Board, ~~the CATS Policy Committee, and NIPC~~ with the involvement of citizens, units of local government, business and labor organizations, environmental organizations, transportation and planning agencies, State agencies, private and civic organizations, public and private providers of transportation, and land preservation agencies. Any elements of the regional comprehensive plan or modifications that relate to transportation shall be developed cooperatively with the Policy Committee. Units of local government shall continue to maintain control over land use and zoning decisions.

Scope of Regional Comprehensive Plan. The Regional Comprehensive Plan shall present the goals, policies, guidelines, and recommendations to guide the physical development of the Region. It shall include, but shall not be limited to:

(a) Official forecasts for overall growth and change and an evaluation of alternative scenarios for the future of the Region including alternatives for public and private investments in housing, economic development, preservation of natural resources, transportation, water supply, flood control, sewers, and other physical infrastructure. It shall present a preferred plan that makes optimum use of public and private resources to achieve the goals of the Plan.

(b) Land use and transportation policies that reflect the relationship of transportation to land use, economic development, the environment, air quality, and energy consumption; foster the efficient movement of people and goods; coordinate modes of transportation; coordinate planning among federal agencies, state agencies, transportation agencies, and local governments; and address the safety and equity of transportation services across the Region.

(c) A plan for a coordinated and integrated transportation system for the region consisting of a multimodal network of facilities and services to be developed over a 20-year period to support efficient movement of people and goods. The transportation system plan shall include statements of minimum levels of service that describe the performance for each mode in order to meet the goals and policies of the Plan.

(d) A listing of proposed public investment priorities in transportation and other public facilities and utilities of regional significance. The list shall include a project description, an identification of the responsible agency, the timeframe that the facility or utility is proposed for construction or installation, an estimate of costs, and sources of public and private revenue for covering such costs.

(e) The criteria and procedures proposed for evaluating and ranking projects in the Plan and for the allocation of transportation funds.

(f) Measures to best coordinate programs of local governments, transportation agencies, and State agencies to promote the goals and policies of the Regional Comprehensive Plan.

(g) Proposals for model ordinances and agreements that may be enacted by local governments.

(h) Recommendations for legislation as may be necessary to fully implement the Regional Comprehensive Plan.

(i) Developing components for regional functional issues including:

(1) A regional housing component that documents the needs for housing in the region and the extent to which private-sector and public-sector programs are meeting those needs; provides the framework for and facilitates planning for the housing needs of the region, including the need for affordable housing, especially as it relates to the location of such housing proximate to job sites, and develops sound strategies, programs and other actions to address the need for housing choice throughout the region.

(2) A regional freight component, the purpose of which is to create an efficient system of moving goods that supports economic growth of the region and sound regional and community development by identifying investments in freight facilities of regional, State, and national significance that will be needed to eliminate existing and forecasted bottlenecks and inefficiencies in the functioning of the region's freight network; recommending improvements in the operation and management of the freight network; and recommending policies to effect the efficient multi-modal movement of goods to, through, and from the region.

(3) A component for protecting and enhancing the environment and the region's natural resources the purpose of which is to improve the region's environmental health, quality of life, and community well-being by defining and protecting environmentally critical areas; encouraging development that does not harm environmentally critical areas; promoting sustainable land use and transportation practices and policies by local governments.

(4) Optionally, other regional components for services and facilities, including, but not limited to: water, sewer, transportation, solid waste, historic preservation, and flood control. Such plans shall provide additional goals, policies, guidelines, and supporting analyses that add detail, and are consistent with, the adopted Regional Comprehensive Plan.

(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1707/47 new)

Sec. 47. Developments of Regional Importance. The Board shall consider the regional and intergovernmental impacts of proposed major developments, infrastructure investments and major policies and actions by public and private entities on natural resources, neighboring communities, and residents. The Board shall:

(a) Define the Scope of Developments of Regional Importance (DRI) and create an efficient process for

reviewing them.

(b) Require any DRI project sponsor, which can be either a public or private entity, to submit information about the proposed DRI to CMAP and neighboring communities, counties, and regional planning and transportation agencies for review.

(c) Review and comment on a proposed DRI regarding consistency with regional plans and intergovernmental and regional impacts.

The Board shall complete a review under this Section within a timeframe established when creating the DRI process. A delay in the review process either requested or agreed to by the applicant shall toll the running of the review period. If the Board fails to complete the review within the required period, the review fee paid by the applicant under this Section shall be refunded in full to the applicant. If, however, the applicant withdraws the application at any time after the Board commences its review, no part of the review fee shall be refunded to the applicant.

(70 ILCS 1707/48 new)

Sec. 48. Incentives for Creating More Sustainable Communities. CMAP shall establish an incentive program to enable local governments and developers to: create more affordable workforce housing options near jobs and transit; create jobs near existing affordable workforce housing; create transit-oriented development; integrate transportation and land use planning; provide a range of viable transportation choices in addition to the car; encourage compact and mixed-use development; and support neighborhood revitalization. CMAP shall work with federal, State, regional, and local agencies to identify funding opportunities for these incentives from existing and proposed programs.

(70 ILCS 1707/51 new)

Sec. 51. Certification; cooperation between local and regional plans; plan review.

Certification of regional plan and forecasts. Upon the adoption of a Regional Plan or segment of a Regional Plan, the Board shall certify a copy thereof to the State, each transportation agency and each local government affected by such plan. CMAP's official forecasts and plans shall be the foundation for all planning in the region.

Agencies to provide information and cooperate. Each local government, transportation agency, and State agency shall cooperate with and assist the Board in carrying out its functions and shall provide to the Board all information requested by the Board. Counties and municipalities shall submit copies of any official plans to CMAP, including but not limited to comprehensive, transportation, housing, and capital improvement plans.

Review of county and municipal plans. The Board may review and comment on proposed county and municipal plans and plan amendments within its jurisdiction for consistency with the regional comprehensive plan and maintain a copy of such plans.

(70 ILCS 1707/55)

Sec. 55. Transportation financial plan.

(a) Concurrent with preparation of the regional transportation and comprehensive plans, the Board shall prepare and adopt, in cooperation with the ~~CATS~~ Policy Committee, a transportation financial plan for the region in accordance with federal and State laws, rules, and regulations.

(b) The transportation financial plan shall address the following matters related to the transportation agencies: (i) adequacy of funding to meet identified needs; and (ii) allocation of funds to regional priorities.

(c) The transportation financial plan may propose recommendations for additional funding by the federal government, the State, or units of local government that may be necessary to fully implement regional plans.

(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1707/60)

Sec. 60. Transportation decision-making ~~Metropolitan planning organization~~.

(a) The ~~It is the intent of this Act that the CATS~~ Policy Committee is ~~, as the Transportation Planning Committee for the Board, remain~~ the federally designated Metropolitan Planning Organization for the Chicago region under the requirements of federal regulations promulgated by USDOT. The ~~CATS~~ Policy Committee shall ~~prepare and~~ approve all plans, reports, and programs required of an MPO, including the federally mandated Regional Transportation Plan, Transportation Improvement Program and Unified Work Program.

(b) It is the intent of this Act that the transportation planning and investment decision-making process be fully integrated into the regional planning process.

(c) The Board, in cooperation with local governments and transportation providers, shall develop and adopt a process for making the transportation decisions that require final MPO approval pursuant to federal

law. That process shall comply with all applicable federal requirements. The adopted process shall ensure that all MPO plans, reports, and programs shall be approved by the CMAP Board prior to final approval by the MPO.

(d) The Board shall continue directly involving local elected officials in federal program allocation decisions for the Surface Transportation Program and Congestion Mitigation and Air Quality funds and in addressing other regional transportation issues.

~~(b) The processes previously established by the CATS Policy Committee shall be continued as the means by which local elected officials program federal Surface Transportation Program and Congestion, Mitigation, and Air Quality funds and address other regional transportation issues.~~

(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1707/61 new)

Sec. 61. Agency Designated Planning Grant Recipient and Other Designations. The Board is eligible to apply for and receive federal grants for regional planning in the northeastern Illinois region. The Board shall review applications requesting significant federal grants to transportation agencies and local governments based on criteria including conformity with the Regional Comprehensive Plan and relevant functional components.

(70 ILCS 1707/62 new)

Sec. 62. Board Funding. In order to carry out any of the powers or purposes of CMAP, the Board shall be involved in the allocation of traditional sources of funds such as those from the federal Metropolitan Planning Program and CMAQ as well as non-traditional federal funds consistent with the Board's broader mission. These funds may be supplemented by fees for services and by grants from nongovernmental agencies. The Board may also pursue and accept funding from State, regional, and local sources in order to meet its planning objectives.

Additional funding shall be provided to CMAP to support those functions and programs authorized by this Act.

(70 ILCS 1707/63 new)

Sec. 63. Succession; Transfers Related to NIPC. CMAP shall succeed to all rights and interests of NIPC. Such transfer and succession shall not limit or restrict any power or authority of CMAP exercised pursuant to this Act and shall not limit any rights or obligations of CMAP with respect to any contracts, agreements, bonds or other indebtedness, right or interest relating to any cause of action then in existence of NIPC that shall continue and shall be assumed by CMAP. Funds appropriated or otherwise made available to NIPC shall become available to CMAP for the balance of the current State fiscal year for interim use as determined by CMAP. NIPC shall transfer all of the records, documents, property, and assets of NIPC to CMAP.

(70 ILCS 1707/65)

Sec. 65. Annual report. The Board shall prepare, publish, and distribute a concise ~~an~~ annual report on the region's progress toward achieving its priorities and on the degree to which consistency exists between local and regional plans. Any ~~and any~~ other reports and plans that relate to the purpose of this Act may also be included.

(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1705/Act rep.)

Section 15. The Northeastern Illinois Planning Act is repealed.

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing motion prevailed and Amendment No. 4 was adopted.

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed; and the bill, as amended, was to the order of Third Reading.

HOUSE BILL 391. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Juvenile Justice Reform, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 391 by replacing everything after the enacting clause with the following:

"Section 5. The Juvenile Court Act of 1987 is amended by changing Section 2-28 as follows:

(705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

Sec. 2-28. Court review.

(1) The court may require any legal custodian or guardian of the person appointed under this Act to report periodically to the court or may cite him into court and require him or his agency, to make a full and accurate report of his or its doings in behalf of the minor. The custodian or guardian, within 10 days after such citation, shall make the report, either in writing verified by affidavit or orally under oath in open court, or otherwise as the court directs. Upon the hearing of the report the court may remove the custodian or guardian and appoint another in his stead or restore the minor to the custody of his parents or former guardian or custodian. However, custody of the minor shall not be restored to any parent, guardian or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering the minor's health or safety and it is in the best interests of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the fitness of such parent, guardian or legal custodian to care for the minor and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(2) The first permanency hearing shall be conducted by the judge. Subsequent permanency hearings may be heard by a judge or by hearing officers appointed or approved by the court in the manner set forth in Section 2-28.1 of this Act. The initial hearing shall be held (a) within 12 months from the date temporary custody was taken, (b) if the parental rights of both parents have been terminated in accordance with the procedure described in subsection (5) of Section 2-21, within 30 days of the order for termination of parental rights and appointment of a guardian with power to consent to adoption, or (c) in accordance with subsection (2) of Section 2-13.1. Subsequent permanency hearings shall be held every 6 months or more frequently if necessary in the court's determination following the initial permanency hearing, in accordance with the standards set forth in this Section, until the court determines that the plan and goal have been achieved. Once the plan and goal have been achieved, if the minor remains in substitute care, the case shall be reviewed at least every 6 months thereafter, subject to the provisions of this Section, unless the minor is placed in the guardianship of a suitable relative or other person and the court determines that further monitoring by the court does not further the health, safety or best interest of the child and that this is a stable permanent placement. The permanency hearings must occur within the time frames set forth in this subsection and may not be delayed in anticipation of a report from any source or due to the agency's failure to timely file its written report (this written report means the one required under the next paragraph and does not mean the service plan also referred to in that paragraph).

The public agency that is the custodian or guardian of the minor, or another agency responsible for the minor's care, shall ensure that all parties to the permanency hearings are provided a copy of the most recent service plan prepared within the prior 6 months at least 14 days in advance of the hearing. If not contained in the plan, the agency shall also include a report setting forth (i) any special physical, psychological, educational, medical, emotional, or other needs of the minor or his or her family that are relevant to a permanency or placement determination and (ii) for any minor age 16 or over, a written description of the programs and services that will enable the minor to prepare for independent living. The agency's written report must detail what progress or lack of progress the parent has made in correcting the conditions requiring the child to be in care; whether the child can be returned home without jeopardizing the child's health, safety, and welfare, and if not, what permanency goal is recommended to be in the best interests of the child, and why the other permanency goals are not appropriate. The caseworker must appear and testify at the permanency hearing. If a permanency hearing has not previously been scheduled by the court, the moving party shall move for the setting of a permanency hearing and the entry of an order within the time frames set forth in this subsection.

At the permanency hearing, the court shall determine the future status of the child. The court shall set one of the following permanency goals:

(A) The minor will be returned home by a specific date within 5 months.

(B) The minor will be in short-term care with a continued goal to return home within a period not to exceed one year, where the progress of the parent or parents is substantial giving particular consideration to the age and individual needs of the minor.

(B-1) The minor will be in short-term care with a continued goal to return home pending a status hearing. When the court finds that a parent has not made reasonable efforts or reasonable progress to date, the court shall identify what actions the parent and the Department must take in order to justify a finding of reasonable efforts or reasonable progress and shall set a status hearing to be held not earlier than 9 months from the date of adjudication nor later than 11 months from the date of adjudication during which the parent's progress will again be reviewed.

(C) The minor will be in substitute care pending court determination on termination of parental rights.

(D) Adoption, provided that parental rights have been terminated or relinquished.

(E) The guardianship of the minor will be transferred to an individual or couple on a permanent basis provided that goals (A) through (D) have been ruled out.

(F) The minor over age 15 will be in substitute care pending independence.

(G) The minor will be in substitute care because he or she cannot be provided for in a home environment due to developmental disabilities or mental illness or because he or she is a danger to self or others, provided that goals (A) through (D) have been ruled out.

In selecting any permanency goal, the court shall indicate in writing the reasons the goal was selected and why the preceding goals were ruled out. Where the court has selected a permanency goal other than (A), (B), or (B-1), the Department of Children and Family Services shall not provide further reunification services, but shall provide services consistent with the goal selected.

The court shall set a permanency goal that is in the best interest of the child. The court's determination shall include the following factors:

(1) Age of the child.

(2) Options available for permanence.

(3) Current placement of the child and the intent of the family regarding adoption.

(4) Emotional, physical, and mental status or condition of the child.

(5) Types of services previously offered and whether or not the services were successful and, if not successful, the reasons the services failed.

(6) Availability of services currently needed and whether the services exist.

(7) Status of siblings of the minor.

The court shall consider (i) the permanency goal contained in the service plan, (ii) the appropriateness of the services contained in the plan and whether those services have been provided, (iii) whether reasonable efforts have been made by all the parties to the service plan to achieve the goal, and (iv) whether the plan and goal have been achieved. All evidence relevant to determining these questions, including oral and written reports, may be admitted and may be relied on to the extent of their probative value.

<u>The court shall make findings as to whether, in violation of Section 8.2 of the Abused and Neglected Child Reporting Act, any portion of the service plan compels a child or parent to engage in any activity or refrain from any activity that is not reasonably related to remedying a condition or conditions that gave rise or which could give rise to any finding of child abuse or neglect.</u>

<u>If the permanency goal is return home, the court shall make findings that identify any problems that are causing continued placement of the children away from the home and identify what outcomes would be considered a resolution to these problems. The court shall explain to the parents that these findings are based on the information that the court has at that time and may be revised, should additional evidence be presented to the court.</u>

If the goal has been achieved, the court shall enter orders that are necessary to conform the minor's legal custody and status to those findings.

If, after receiving evidence, the court determines that the services contained in the plan are not reasonably calculated to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. The court also shall enter an order for the Department to develop and implement a new service plan or to implement changes to the current service plan consistent with the court's findings. The new service plan shall be filed with the court and served on all parties within 45 days of the date of the order. The court shall continue the matter until the new service plan is filed. Unless otherwise specifically authorized by law, the court is not empowered under this subsection (2) or under subsection (3) to order specific placements, specific services, or specific service providers to be included in the plan.

A guardian or custodian appointed by the court pursuant to this Act shall file updated case plans with the court every 6 months.

Rights of wards of the court under this Act are enforceable against any public agency by complaints for relief by mandamus filed in any proceedings brought under this Act.

(3) Following the permanency hearing, the court shall enter a written order that includes the determinations required under subsection (2) of this Section and sets forth the following:

(a) The future status of the minor, including the permanency goal, and any order necessary to conform the minor's legal custody and status to such determination; or

(b) If the permanency goal of the minor cannot be achieved immediately, the specific reasons for continuing the minor in the care of the Department of Children and Family Services or other agency for short term placement, and the following determinations:

(i) (Blank).

(ii) Whether the services required by the court and by any service plan prepared within the prior 6 months have been provided and (A) if so, whether the services were reasonably calculated to facilitate the achievement of the permanency goal or (B) if not provided, why the services were not provided.

(iii) Whether the minor's placement is necessary, and appropriate to the plan and goal, recognizing the right of minors to the least restrictive (most family-like) setting available and in close proximity to the parents' home consistent with the health, safety, best interest and special needs of the minor and, if the minor is placed out-of-State, whether the out-of-State placement continues to be appropriate and consistent with the health, safety, and best interest of the minor.

(iv) (Blank).

(v) (Blank).

Any order entered pursuant to this subsection (3) shall be immediately appealable as a matter of right under Supreme Court Rule 304(b)(1).

(4) The minor or any person interested in the minor may apply to the court for a change in custody of the minor and the appointment of a new custodian or guardian of the person or for the restoration of the minor to the custody of his parents or former guardian or custodian.

When return home is not selected as the permanency goal:

(a) The Department, the minor, or the current foster parent or relative caregiver seeking private guardianship may file a motion for private guardianship of the minor. Appointment of a guardian under this Section requires approval of the court.

(b) The State's Attorney may file a motion to terminate parental rights of any parent who has failed to make reasonable efforts to correct the conditions which led to the removal of the child or reasonable progress toward the return of the child, as defined in subdivision (D)(m) of Section 1 of the Adoption Act or for whom any other unfitness ground for terminating parental rights as defined in subdivision (D) of Section 1 of the Adoption Act exists.

Custody of the minor shall not be restored to any parent, guardian or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering his or her health or safety and it is in the best interest of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the health, safety and best interest of the minor and the fitness of such parent, guardian or legal custodian to care for the minor and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor. In the event that the minor has attained 18 years of age and the guardian or custodian petitions the court for an order terminating his guardianship or custody, guardianship or custody shall terminate automatically 30 days after the receipt of the petition unless the court orders otherwise. No legal custodian or guardian of the person may be removed without his consent until given notice and an opportunity to be heard by the court.

When the court orders a child restored to the custody of the parent or parents, the court shall order the parent or parents to cooperate with the Department of Children and Family Services and comply with the terms of an after-care plan, or risk the loss of custody of the child and possible termination of their parental rights. The court may also enter an order of protective supervision in accordance with Section 2-24.

(5) Whenever a parent, guardian, or legal custodian files a motion for restoration of custody of the minor, and the minor was adjudicated neglected, abused, or dependent as a result of physical abuse, the court shall cause to be made an investigation as to whether the movant has ever been charged with or convicted of any

criminal offense which would indicate the likelihood of any further physical abuse to the minor. Evidence of such criminal convictions shall be taken into account in determining whether the minor can be cared for at home without endangering his or her health or safety and fitness of the parent, guardian, or legal custodian.

(a) Any agency of this State or any subdivision thereof shall co-operate with the agent of the court in providing any information sought in the investigation.

(b) The information derived from the investigation and any conclusions or recommendations derived from the information shall be provided to the parent, guardian, or legal custodian seeking restoration of custody prior to the hearing on fitness and the movant shall have an opportunity at the hearing to refute the information or contest its significance.

(c) All information obtained from any investigation shall be confidential as provided in Section 5-150 of this Act.

(Source: P.A. 91-357, eff. 7-29-99; 92-320, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was to the order of Third Reading.

HOUSE BILL 396. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary I - Civil Law, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 396 by replacing line 25 on page 19 through line 7 on page 20 with the following:

"Subject to appropriation, the Department shall provide a stipend in the amount of up to $1,500 to youths who, on or after January 1, 2008, cease to be wards of the Department pursuant to Section 2-31 of the Juvenile Court Act of 1987 and who meet the qualifications set out in this paragraph. The stipend shall be paid by voucher to promote successful transition outcomes by supporting training, housing, and living expenses. All or part of the stipend may also be used to pay the fee for drivers education to prepare the youth to take an examination given by the Secretary of State for a drivers license or permit. In order to be eligible for this benefit, a youth must have: (A) at the time wardship terminated, reached the age of 18 years or older; and (B) either (i) at the time wardship terminated, obtained a certificate of graduation from a high school or the recognized equivalent of such a certificate; (ii) within one year after wardship terminated, obtained a certificate of graduation from a high school or the recognized equivalent of such a certificate, or (iii) within one year after wardship terminated, been determined by DCFS to lack the ability to obtain a certificate of graduation from a high school, or the recognized equivalent of such a certificate, due to an impairment or disability. The Department shall establish by rule (i) procedures for verifying eligibility for the receipt of funds under this paragraph and for determining the amount of the stipend to be awarded and (ii) a process for disseminating the payments.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was to the order of Third Reading.

HOUSE BILL 765. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 765 by inserting after the title the following:

"WHEREAS, Post-conviction review of credible claims of factual innocence supported by verifiable evidence, of torture by Jon Burge and/or officers under his supervision should be addressed expeditiously to ensure the innocent as well as the guilty receive justice; and

WHEREAS, More than 200 African-American men and women were victims of systematic torture committed by several Chicago Police officers under the Supervision of Police Commander Jon Burge over a two-decade period, from as early 1970 to 1992 and later; and

WHEREAS, In May, 1972, Jon Burge was promoted to Chicago Police Detective and was assigned to Area 2 detective division on the Southside of Chicago; and

WHEREAS, Between 1973-1981 - numerous other African-American arrestees were tortured with electric-shock and suffocation at Area 2 by Burge and his cohorts to obtain confessions. The torture included, plastic bags placed over arrestees heads until lose of consciousness; electric shock with dark box referred to as "nigger box", to testicles, armpits, ears, Russian roulette; beatings with guns, fists, and flashlights; repeated racial epithets; cattle prods; and cigarette burns; and

WHEREAS, 1988 - Burge is transferred to Area 3 Detective Division and appointed Commander. Many of his trusted Area 2 associates, including Sgt John Byrne also transferred to Area 3, and allegations of torture follow them; and

WHEREAS, 1981-1988 - 55 separate victims allege torture at Area 2, including Madison Hobley, Leroy Orange, Stanley Howard, Darrell Cannon, and Aaron Patterson. In most of these cases, the States Attorney's Office is aware of the allegations, and nonetheless uses the coerced evidence to send the victims to prison; and

WHEREAS, January 28, 1991 - Amnesty International issued a report calling for an inquiry into allegations of police torture in Chicago. Mayor Daley had "no comment whatsoever". September 1991 - 13 year old Marcus Wiggins alleged that he had been tortured with electric shock at Area 3. Burge and Byrne allegedly supervised the interrogation; and

WHEREAS, January 1992 - During proceedings before the Police Board, City lawyers admitted that the evidence of Area 2 torture established "an astounding pattern or plan. . . to torture certain suspects. . . into confessing to crimes or to condone such activity"; and

WHEREAS, February 7, 1992 - OPS publicly released its 2 torture reports after being ordered to do so by a federal judge, and its findings of "systematic torture" received national attention. Martin and Mayor Daley jointly attack the findings in widely covered public statements, and take no action to criminally investigate or charge Burge or any of his men in light of the OPS findings; and

WHEREAS, February-March 1992 - City administratively prosecuted Burge, Yucaitis, and O'Hara in a 6 week hearing before the Police Board for the torture of Andrew Wilson; and

WHEREAS, February 11, 1993 - The Chicago Police Board fired Jon Burge and suspended John Yucaitis for 15 months on charges of torturing and physically abusing Andrew Wilson. O'Hara is completely exonerated; and

WHEREAS, 1993 - The OPS reopened investigations into approximately 10 of the 60 known victims of police torture. These cases include Cannon and Howard; and

WHEREAS, 1993-1994 - After exhaustive investigations, OPS investigators complete detailed reports, sustaining torture allegations in 6 cases, including Cannon and Howard, against several of Burge's trusted Area 2 associates, including Sgt. Byrne and Detective Dignan; and

WHEREAS, May 15, 1995 - City of Chicago admitted that Melvin Jones had been electrically shocked in an attempt to extract a confession; and

WHEREAS, July 13, 1995 - City of Chicago admits in a legal document that Andrew Wilson was tortured by Burge; and

WHEREAS, November 1, 1999 - At Cannon's hearing, Dr. Robert Kirschner, an internationally respected expert on torture and human rights violations, testified that Cannon and several other Area 2 victims were tortured and that this torture was part of a pattern and practice similar to that found in other countries where official torture is practiced by their military and law enforcement agencies; and

WHEREAS, 1999 - Federal Judge Milton Shadur found that "it is now common knowledge that Jon Burge and many officers working under him regularly engaged in the physical abuse and torture of prisoners in order to extract confessions"; and

WHEREAS, August 2000 - Illinois Supreme Court recognized the importance of the newly discovered evidence of torture, and ordered that Aaron Patterson, Stanley Howard, and 2 other death row inmates be afforded hearings on their allegations of torture; and

WHEREAS, April 2002 - Chief Cook County Criminal Court Judge Paul Biebel found that State's Attorney Richard Devine had a conflict arising from his prior representation of Burge, and appointed Retired Judge Edward Egan as Special Prosecutor to investigate Area 2 torture; and

WHEREAS, January 10, 2003 - Governor George Ryan granted Madison Hobley, Stanley Howard, Aaron Patterson, and Leroy Orange pardons on the basis of innocence, while determining that their confessions were tortured from them by Burge and his men; and

WHEREAS, 2004 - During the course of the civil litigation and in furtherance of the code of silence, Burge, Byrne, and more than 30 other Area 2 detectives and supervisors take the Fifth Amendment on each and every allegation of torture; and

WHEREAS, 2004 - Several African-American former Area 2 detectives who worked under Burge come

forward and broke the code of silence, admitting that they saw or heard evidence of torture, saw implements of torture, including Burge's shock box, and that torture by Burge and his men was an "open secret" at Area 2; and

WHEREAS, January 2005 - Federal Appeals Court Judge Diane Wood likened Area 2 torture to that of Abu Ghraib, writing: "[A] mountain of evidence indicates that torture was an ordinary occurrence at the Area 2 station of the Chicago Police Department. Eventually, as this sorry tale came to light, the Office of Professional Standards Investigation of the Police Department looked into the allegations, and it issued a report that concluded that police torture under the command of Lt. Jon Burge - the officer in charge of Hinton's case - had been a regular part of the system for more than ten years. And, in language reminiscent of the news reports of 2004 concerning the notorious Abu Ghraib facility in Iraq, the report said that: [t]he type of abuse described was not limited to the usual beating, but went into such esoteric areas as psychological techniques and planned torture"; and

WHEREAS, January 2005 - Judge Wood further found that Area 2 torture violated the United Nations prohibition against torture, writing: Indeed, the alleged conduct is so extreme that, if proven, it would fall within the prohibitions established by the United Nations Convention Against Torture ("CAT"), which defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession. . . ." thereby violating the fundamental human rights principles that the United States is committed to uphold. . . .; and

WHEREAS, Spring 2005 - Freedom of information documents reveal that the City of Chicago has spent more than $6,000,000 in legal fees defending itself and Burge and his men against allegations of torture, despite repeatedly acknowledging that they had engaged in a pattern and practice of torture; and

WHEREAS, May 19, 2006, The United Nations Committee Against Torture ruled that the U.S. Government and the City of Chicago are in violation of the Convention Against Torture and cruel, inhuman, and degrading treatment; and

WHEREAS, September 1, 2005 - Frustrated by the fact that the Special Prosecutor had not brought indictments, community groups petitioned the organization of Inter-American Commission on Human Rights and was granted a hearing on police torture and the failure to prosecute Burge and his men; and

WHEREAS, July 26, 2006, Special Prosecutor Egan published his findings which concluded that although there had been police torture in at least half of the 148 cases examined, no one, including Burge, could be indicted because of Statute of Limitations; and

WHEREAS, Prof. Thomas K. Kenemore, Ph.D., conducted a pilot study of the experiences of people affected by Chicago Police Torture. Dr. Kenemore's findings summarize, among other things, the lasting impact of the torture experience; and

WHEREAS, Prof. Kenemore observed that may survivors of torture suffer from post-traumatic stress disorder. "The prolonged and recurrent trauma is known to create a hyper-vigilance and chronic fear of the re-occurrences of the trauma, generalized constriction and avoidance, disassociation, severe mistrust and isolation, a radically changed identity which incorporates the trauma, and a tenacious state of depression"; and

WHEREAS, The 200 or more torture victims were forced to confess to crimes and the forced confessions was used to convict them; and

WHEREAS, At least 27 victims of torture are still imprisoned in Illinois prisons; and

WHEREAS, Public confidence in the justice system is strengthened by thorough and timely inquiry into claims of factual innocence; and

WHEREAS, Factual claims of innocence, which are determined to be credible, can most effectively and efficiently be evaluated through complete and independent investigation and review of the same; therefore"; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Innocence Inquiry Commission Act.

Section 5. Definitions. As used in this Act:

(1) "Claim of factual innocence" means a claim on behalf of a living person convicted of a felony in Illinois asserting the complete innocence of any criminal responsibility of the felony for which the person was convicted and for any other reduced level of criminal responsibility relating to the crime, and for which there is some credible, certifiable evidence of innocence that is related to allegations of torture committed by Commander Jon Burge or any officer under the supervision of Jon Burge.

(2) "Commission" means the Illinois Innocence Inquiry Commission established by this Act.

(3) "Director" means the Director of the Illinois Innocence Inquiry Commission.

(4) "Victim" means the victim of the crime, or if the victim of the crime is deceased, the next of kin of the victim.

Section 10. Purpose of Act. This Act establishes an extraordinary procedure to investigate and determine credible claims of factual innocence related to allegations of torture that shall require an individual to voluntarily waive rights and privileges as described in this Act.

Section 15. Commission established.

(a) There is established the Illinois Innocence Inquiry Commission. The Illinois Innocence Inquiry Commission shall be an independent commission under the Administrative Office of the Illinois Courts for administrative purposes.

(b) The Administrative Office of the Illinois Courts shall provide administrative support to the Commission as needed. The Director of the Administrative Office of the Illinois Courts shall not reduce or modify the budget of the Commission or use funds appropriated to the Commission without the approval of the Commission.

Section 20. Membership; chair; meetings; quorum.

(a) The Commission shall consist of 8 voting members as follows:

(1) One shall be a Circuit Judge.

(2) One shall be a prosecuting attorney.

(3) One shall be a victim advocate.

(4) One shall be engaged in the practice of criminal defense law.

(5) One shall be a public member who is not an attorney and who is not an officer or employee of the Judicial branch.

(6) One shall be a sheriff holding office at the time of his or her appointment.

(7) The vocations of the 2 remaining appointed voting members shall be at discretion of the Chief Justice.

The Chief Justice of the Illinois Supreme Court shall make the initial appointment for members identified in subdivisions (4) through (6) of this subsection. The presiding judge of the First District Appellate Court shall make the initial appointment for members identified in subdivisions (1) through (3) of this subsection. After an appointee has served his or her first 3-year term, the subsequent appointment shall be by the Chief Justice or presiding judge who did not make the previous appointment. Thereafter, the Chief Justice or presiding judge shall rotate the appointing power, except for the 2 discretionary appointments identified by subdivision (7) of this subsection which shall be appointed by the Chief Justice.

(a-1) The appointing authority shall also appoint alternate Commission members for the Commission members he or she has appointed to serve in the event of scheduling conflicts, conflicts of interest, disability, or other disqualification arising in a particular case. The alternate members shall have the same qualifications for appointment as the original member. In making the appointments, the appointing authority shall make a good faith effort to appoint members with different perspectives of the justice system. The appointing authority shall also consider geographical location, gender, and racial diversity in making the appointments.

(b) The judge who is appointed as a member under subsection (a) shall serve as Chair of the Commission, and he or she shall not have had any substantial previous involvement in any case in which torture has been alleged against Jon Burge or those under his supervision. The Commission shall have its initial meeting no later than January 31, 2008, at the call of the Chair. The Commission shall meet a minimum of once every 6 months and may also meet more often at the call of the Chair. The Commission shall meet at such time and place as designated by the Chair. Notice of the meetings shall be given at such time and manner as provided by the rules of the Commission. A majority of the members shall constitute a quorum. All Commission votes shall be by majority vote.

Section 25. Terms of members; compensation; expenses.

(a) Of the initial members, 2 appointments shall be for one-year terms, 3 appointments shall be for 2-year terms, and 3 appointments shall be for 3-year terms. Thereafter, all terms shall be for 3 years. Members of the Commission shall serve no more than 2 consecutive 3-year terms plus any initial term of less than 3 years. Unless provided otherwise by this Act, all terms of members shall begin on January 1 and end on December 31.

Members serving by virtue of elective or appointive office, except for the sheriff, may serve only so long as the office holders hold those respective offices. The Chief Justice may remove members, with cause. Vacancies occurring before the expiration of a term shall be filled in the manner provided for the members

first appointed.

(b) The Commission members shall receive no salary for serving. All Commission members shall receive necessary subsistence and travel expenses.

Section 30. Director and other staff. The Commission shall employ a Director. The Director shall be an attorney licensed to practice in Illinois at the time of appointment and at all times during service as Director. The Director shall assist the Commission in developing rules and standards for cases accepted for review, coordinate investigation of cases accepted for review, maintain records for all cases investigations, prepare reports outlining Commission investigations and recommendations to the trial court, and apply for and accept on behalf of the Commission any funds that may become available from government grants, private gifts, donations, or bequests from any source.

Subject to the approval of the Chair, the Director shall employ such other staff and shall contract for services as is necessary to assist the Commission in the performance of its duties, and as funds permit.

The Commission may meet in an area provided by the Administrative Office of the Illinois Courts. The Administrative Office of the Illinois Courts shall provide office space for the Commission and the Commission staff.

Section 35. Duties. The Commission shall have the following duties and powers:

(1) To establish the criteria and screening process to be used to determine which cases shall be accepted for review.

(2) To conduct inquiries into claims of factual innocence, with priority to be given to those cases in which the convicted person is currently incarcerated solely for the crime to which he or she claims factual innocence.

(3) To coordinate the investigation of cases accepted for review.

(4) To maintain records for all case investigations.

(5) To prepare written reports outlining Commission investigations and recommendations to the trial court at the completion of each inquiry.

(6) To apply for and accept any funds that may become available for the Commission's work from government grants, private gifts, donations, or bequests from any source.

Section 40. Claims of innocence; waiver of convicted person's procedural safeguards and privileges; formal inquiry; notification of the crime victim.

(a) A claim of factual innocence may be referred to the Commission by any court, person, or agency. The Commission shall not consider a claim of factual innocence if the convicted person is deceased. The determination of whether to grant a formal inquiry regarding any other claim of factual innocence is in the discretion of the Commission. The Commission may informally screen and dismiss a case summarily at its discretion.

(b) No formal inquiry into a claim of innocence shall be made by the Commission unless the Director or the Director's designee first obtains a signed agreement from the convicted person in which the convicted person waives his or her procedural safeguard and privileges, agrees to cooperate with the Commission, and agrees to provide full disclosure regarding all matters unrelated to a convicted person's claim of innocence. The convicted person shall have the right to advice of counsel prior to the execution of the agreement and, if a formal inquiry is granted, throughout the formal inquiry. If counsel represents the convicted person, then the convicted person, the Commission Chair shall determine the convicted person's indigency status and, if appropriate, enter an order for the appointment of counsel for the purpose of advising on the agreement.

(c) If a formal inquiry regarding a claim of factual innocence is granted, the Director shall use all due diligence to notify the victim in the case and explain the inquiry process. The Commission shall give the victim notice that the victim has the right to present his or her views and concerns throughout the Commission's investigation.

(d) The Commission may use any measure provided in the Code of Civil Procedure and the Code of Criminal Procedure of 1963 to obtain information necessary to its inquiry. The Commission may also do any of the following: issue process to compel the attendance of witnesses and the production of evidence, administer oaths, petition the Circuit Court of Cook County or of the original jurisdiction for enforcement of process or for other relief, and prescribe its own rules of procedure. All challenges with regard to the Commission's authority or the Commission's access to evidence shall be heard by the Commission Chair in the Chair's judicial capacity, including any in camera review.

(e) While performing duties for the Commission, the Director or the Director's designee may serve subpoenas or other process issued by the Commission throughout the State in the same manner and with the same effect as an officer authorized to serve process under the laws of this State.

(f) All State discovery and disclosure statutes in effect at the time of formal inquiry shall be enforceable as if the convicted person were currently being tried for the charge for which the convicted person is claiming innocence.

(g) If, at any point during an inquiry, the convicted person refuses to comply with requests of the Commission or is otherwise deemed to be uncooperative by the Commission, the Commission shall discontinue the inquiry.

Section 45. Commission proceedings.

(a) At the completion of a formal inquiry, all relevant evidence shall be presented to the full Commission. As part of its proceedings, the Commission may conduct public hearings. The determination as to whether to conduct public hearings is solely in the discretion of the Commission. Any public hearing held in accordance with this Section shall be subject to the Commission's rules of operation.

(b) The Director shall use all due diligence to notify the victim at least 30 days prior to any proceedings of the full Commission held in regard to the victim's case. The Commission shall notify the victim that the victim is permitted to attend proceedings otherwise closed to the public, subject to any limitations imposed by this Act, If the victim plans to attend proceedings otherwise closed to the public, the victim shall notify the Commission at least 10 days in advance of the proceedings of his or her intent to attend. If the Commission determines that the victim's presence may interfere with the investigation, the Commission may close any portion of the proceedings to the victim.

(c) After hearing the evidence, the full Commission shall vote to establish further case disposition as provided by this subsection. All 8 voting members of the Commission shall participate in that vote.

Except in cases where the convicted person entered and was convicted on a plea of guilty, if 5 or more of the 8 voting members of the Commission conclude there is sufficient evidence of factual innocence to merit judicial review, the case shall be referred to the chief judge in the circuit of original jurisdiction by filing with the clerk of court the opinion of the Commission with supporting findings of fact, as well as the record in support of such opinion, with service on the State's Attorney in non-capital cases and service on both the State's Attorney and Attorney General in capital cases. In cases where the convicted person entered and was convicted on a plea of guilty, if all of the 8 voting members of the Commission conclude there is sufficient evidence of factual innocence to merit judicial review, the case shall be referred to the chief judge in the circuit of original jurisdiction.

If less than 5 of the 8 voting members of the Commission, or in cases where the convicted person entered and was convicted on a guilty plea less than all of the 8 voting members of the Commission, conclude there insufficient evidence of factual innocence to merit judicial review, the Commission shall conclude there is insufficient evidence of factual innocence to merit judicial review. The Commission shall document that opinion, along with supporting findings of fact, and file those documents and supporting materials with the court clerk in the circuit of original jurisdiction, with a copy to the State's Attorney and the chief judge.

The Director of the Commission shall use all due diligence to notify immediately the victim of the Commission's conclusion in a case.

(d) Evidence of criminal acts, professional misconduct, or other wrongdoing disclosed through formal inquiry or Commission proceedings shall be referred to the appropriate authority. Evidence favorable to the convicted person disclosed through formal inquiry or Commission proceedings shall be disclosed to the convicted person and the convicted person's counsel, if the convicted person has counsel.

(e) All proceedings, of the Commission shall be recorded and transcribed as part of the record. All Commission member votes shall be recorded in the record. All records and proceedings of the Commission are confidential and are exempt from public record and public meeting laws except that the supporting records for the Commission's conclusion that there is sufficient evidence of factual innocence to merit judicial review, including all files and materials considered by the Commission and an full transcript of the hearing before the Commission, shall become public at the time of referral to the court. Commission records for conclusions of insufficient evidence of factual innocence to merit judicial review shall remain confidential, except as provided in subsection (d).

Section 50. Post-commission 3-judge panel.

(a) If the Commission concludes there is sufficient evidence of factual innocence to merit judicial review, the Chair of the Commission shall request the Chief Justice to appoint a 3-judge panel, not to include any trial judge that has had substantial previous involvement in the case, and issue commissions to the members of the 3-judge panel to convene a special session of the court of the original jurisdiction to hear evidence relevant to the Commission's recommendation. The senior judge of the panel shall preside.

(b) The senior judge shall enter an order setting the case for hearing at the special session of court for which the 3-judge panel is commissioned and shall require the State to file a response to the Commission's

opinion within 60 days of the date of the order.

(c) The State's Attorney, or the State's Attorney's designee, shall represent the State at the hearing before the 3-judge panel.

(d) The 3-judge panel shall conduct an evidentiary hearing. At the hearing, the court may compel the testimony of any witness, including the convicted person. The convicted person may not assert any privilege or prevent a witness from testifying. The convicted person has a right to be present at the evidentiary hearing and to be represented by counsel. A waiver of the right to be present shall be in writing.

(e) The senior judge shall determine the convicted person's indigency status and, if appropriate, enter an order for the appointment of counsel. The court may also enter an order relieving an indigent convicted person of all or a portion of the costs of the proceedings.

(f) The clerk of court shall provide written notification to the victim 30 days prior to any case-related hearings.

(g) The 3-judge panel shall rule as to whether the convicted person has proved by clear and convincing evidence that the convicted person is innocent of the charges. Such a determination shall require a unanimous vote. If the vote is unanimous, the panel shall enter dismissal of all or any of the charges. If the vote is not unanimous, the panel shall deny relief.

Section 55. No right to further review of decision by Commission or 3-judge panel; convicted person retains right to other postconviction relief.

(a) Unless otherwise authorized by this Act, the decisions of the Commission and of the 3-judge panel are final and are not subject to further review by appeal, certification, writ, motion, or otherwise.

(b) A claim of factual innocence asserted through the Commission shall not adversely affect the convicted person's rights to other post conviction relief.

Section 60. 60 In order to allow staggered terms of members of the Illinois Innocence Inquiry Commission, the Commission members identified in paragraphs (1), (2), and (4) of subsection (a) of Section 20 shall be appointed to initial terms of 2 years, the Commission members identified paragraphs (3), (5), and (6) of subsection (a) of Section 20 shall be appointed to initial terms of 3 years, and the Commission members identified in paragraph (7) of subsection (a) of Section 20 shall be appointed to initial terms of one year.

Section 65. Beginning January 1, 2009, and annually thereafter, the Illinois Innocence Inquiry Commission shall report on its activities to the General Assembly and the Governor. The report may contain recommendations of any needed legislative changes related to the activities of the Commission. The report shall recommend the funding needed by the Commission, the State's Attorneys, and the Department of State Police in order to meet their responsibilities under this Act. Recommendations concerning the State's Attorneys or the Department of State Police shall only be made after consultations with the Illinois State's Attorneys Association and the Attorney General.

Section 70. The Administrative Office of the Illinois Courts shall report to the General Assembly and the Chief Justice no later than December 31, 2010, and no later than December 31 of every third year, regarding the implementation of this Act and shall include in its report the statistics regarding inquiries and any recommendations for changes. The House of Representatives and the Senate shall refer the report to the appropriate committees for their review.

Section 75. The initial members of the Illinois Innocence Inquiry Commission shall be appointed not later than October 1, 2007. No claims of actual innocence may be filed with the Commission until November 1, 2007. No claims of actual innocence where the convicted person entered and was convicted on a plea of guilty may be filed with the Commission until November 1, 2009.

Section 80. This Act applies to claims of factual innocence filed on or before December 31, 2012.

Section 905. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7) (from Ch. 116, par. 207)

Sec. 7. Exemptions.

(1) The following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.

(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:

(i) files and personal information maintained with respect to clients, patients,

residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;

(ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;

(iii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;

(iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute;

(v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided by agencies of local government, except in a case for which a criminal investigation is ongoing, without constituting a clearly unwarranted per se invasion of personal privacy under this subsection; and

(vi) the names, addresses, or other personal information of participants and registrants in park district, forest preserve district, and conservation district programs.

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(ii) interfere with pending administrative enforcement proceedings conducted by any public body;

(iii) deprive a person of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;

(vi) constitute an invasion of personal privacy under subsection (b) of this Section;

(vii) endanger the life or physical safety of law enforcement personnel or any other person; or

(viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;

(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;

(iii) court records that are public;

(iv) records that are otherwise available under State or local law; or

(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant

portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including:

(i) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(ii) All trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) Test questions, scoring keys and other examination data used to administer an academic examination or determined the qualifications of an applicant for a license or employment.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, but only to the extent that disclosure would compromise security, including but not limited to water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings.

(l) Library circulation and order records identifying library users with specific materials.

(m) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(n) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(o) Information received by a primary or secondary school, college or university under its procedures for the evaluation of faculty members by their academic peers.

(p) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(q) Documents or materials relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(r) Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of the public body. The records of ownership, registration, transfer, and exchange of municipal debt obligations, and of persons to whom payment with respect to these obligations is made.

(s) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

(t) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool.

(u) Information concerning a university's adjudication of student or employee grievance or disciplinary cases, to the extent that disclosure would reveal the identity of the student or employee and information concerning any public body's adjudication of student or employee grievances or disciplinary cases, except for the final outcome of the cases.

(v) Course materials or research materials used by faculty members.

(w) Information related solely to the internal personnel rules and practices of a public body.

(x) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.

(y) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(z) Manuals or instruction to staff that relate to establishment or collection of liability for any State tax or that relate to investigations by a public body to determine violation of any criminal law.

(aa) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(bb) Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(cc) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(dd) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(ee) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(ff) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(gg) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(hh) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act.

(ii) Beginning July 1, 1999, information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(jj) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(kk) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(ll) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(mm) Maps and other records regarding the location or security of a utility's generation, transmission, distribution, storage, gathering, treatment, or switching facilities.

(nn) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(oo) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(pp) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(qq) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (qq) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(rr) Records of investigations conducted by the Illinois Innocence Inquiry Commission.

(2) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff. 8-21-03; 93-617, eff. 12-9-03; 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06; 94-1055, eff. 1-1-07; revised 8-3-06.)

Section 910. The Code of Criminal Procedure of 1963 is amended by adding Section 116-6 as follows:

(725 ILCS 5/116-6 new)

Sec. 116-6. Post-trial motions and appeal.

(a) Relief from errors committed in criminal trials and proceedings and other post-trial relief may be sought by a motion for innocence claim inquiry under the Illinois Innocence Inquiry Commission Act.

(b) For claims of factual innocence, the court may grant a motion for referral to the Illinois Innocence Inquiry Commission.

(c) A claim of factual innocence asserted through the Illinois Innocence Inquiry Commission does not impact rights or relief provided for in this Code.

(d) When a motion for relief is made under this Article, the court must decide for claims of factual innocence, whether to refer the case for further investigation to the Illinois Innocence Inquiry Commission.

Section 999. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was held on the order of Second Reading.

HOUSE BILL 1322. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Juvenile Justice Reform, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1322 on page 10, line 6, before the period, by inserting "and if those services are available"; and

on page 28, line 12, before the period, by inserting "and if those services are available"; and

by deleting all of pages 35 through 51.

Representative Flowers offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 1322 on page 30, line 5, by replacing "Section 2-23"

with "Sections 2-23 and 2-28"; and

on page 34, after line 26, by inserting the following:

"(705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

Sec. 2-28. Court review.

(1) The court may require any legal custodian or guardian of the person appointed under this Act to report periodically to the court or may cite him into court and require him or his agency, to make a full and accurate report of his or its doings in behalf of the minor. The custodian or guardian, within 10 days after such citation, shall make the report, either in writing verified by affidavit or orally under oath in open court, or otherwise as the court directs. Upon the hearing of the report the court may remove the custodian or guardian and appoint another in his stead or restore the minor to the custody of his parents or former guardian or custodian. However, custody of the minor shall not be restored to any parent, guardian or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering the minor's health or safety and it is in the best interests of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the fitness of such parent, guardian or legal custodian to care for the minor and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(2) The first permanency hearing shall be conducted by the judge. Subsequent permanency hearings may be heard by a judge or by hearing officers appointed or approved by the court in the manner set forth in Section 2-28.1 of this Act. The initial hearing shall be held (a) within 12 months from the date temporary custody was taken, (b) if the parental rights of both parents have been terminated in accordance with the procedure described in subsection (5) of Section 2-21, within 30 days of the order for termination of parental rights and appointment of a guardian with power to consent to adoption, or (c) in accordance with subsection (2) of Section 2-13.1. Subsequent permanency hearings shall be held every 6 months or more frequently if necessary in the court's determination following the initial permanency hearing, in accordance with the standards set forth in this Section, until the court determines that the plan and goal have been achieved. Once the plan and goal have been achieved, if the minor remains in substitute care, the case shall be reviewed at least every 6 months thereafter, subject to the provisions of this Section, unless the minor is placed in the guardianship of a suitable relative or other person and the court determines that further monitoring by the court does not further the health, safety or best interest of the child and that this is a stable permanent placement. The permanency hearings must occur within the time frames set forth in this subsection and may not be delayed in anticipation of a report from any source or due to the agency's failure to timely file its written report (this written report means the one required under the next paragraph and does not mean the service plan also referred to in that paragraph).

The public agency that is the custodian or guardian of the minor, or another agency responsible for the minor's care, shall ensure that all parties to the permanency hearings are provided a copy of the most recent service plan prepared within the prior 6 months at least 14 days in advance of the hearing. If not contained in the plan, the agency shall also include a report setting forth (i) any special physical, psychological, educational, medical, emotional, or other needs of the minor or his or her family that are relevant to a permanency or placement determination and (ii) for any minor age 16 or over, a written description of the programs and services that will enable the minor to prepare for independent living. The agency's written report must detail what progress or lack of progress the parent has made in correcting the conditions requiring the child to be in care; whether the child can be returned home without jeopardizing the child's health, safety, and welfare, and if not, what permanency goal is recommended to be in the best interests of the child, and why the other permanency goals are not appropriate. The caseworker must appear and testify at the permanency hearing. If a permanency hearing has not previously been scheduled by the court, the moving party shall move for the setting of a permanency hearing and the entry of an order within the time frames set forth in this subsection.

At the permanency hearing, the court shall determine the future status of the child. The court shall set one of the following permanency goals:

(A) The minor will be returned home by a specific date within 5 months.

(B) The minor will be in short-term care with a continued goal to return home within a period not to exceed one year, where the progress of the parent or parents is substantial giving particular consideration to the age and individual needs of the minor.

(B-1) The minor will be in short-term care with a continued goal to return home pending

a status hearing. When the court finds that a parent has not made reasonable efforts or reasonable progress to date, the court shall identify what actions the parent and the Department must take in order to justify a finding of reasonable efforts or reasonable progress and shall set a status hearing to be held not earlier than 9 months from the date of adjudication nor later than 11 months from the date of adjudication during which the parent's progress will again be reviewed.

(C) The minor will be in substitute care pending court determination on termination of parental rights.

(D) Adoption, provided that parental rights have been terminated or relinquished.

(E) The guardianship of the minor will be transferred to an individual or couple on a permanent basis provided that goals (A) through (D) have been ruled out.

(F) The minor over age 15 will be in substitute care pending independence.

(G) The minor will be in substitute care because he or she cannot be provided for in a home environment due to developmental disabilities or mental illness or because he or she is a danger to self or others, provided that goals (A) through (D) have been ruled out.

In selecting any permanency goal, the court shall indicate in writing the reasons the goal was selected and why the preceding goals were ruled out. Where the court has selected a permanency goal other than (A), (B), or (B-1), the Department of Children and Family Services shall not provide further reunification services, but shall provide services consistent with the goal selected.

Notwithstanding any other provision in this Section, the court may select the goal of long-term foster care as a permanency goal if:

(H) the Department of Children and Family Services is the custodian or guardian of the minor; and

(I) the court has ruled out return home as a permanency goal; and

(J) the court, after receiving evidence, makes written findings that (i) the child is living with a relative or foster parent who is unable or unwilling to adopt the child or be named the child's guardian because of exceptional circumstances, but who is willing and capable of providing the child with a stable and permanent environment, and the removal of the child from the physical custody of his or her relative or foster parent would be detrimental to the emotional well-being of the child or (ii) there would be substantial interference with a child's sibling relationship, taking into consideration the nature and extent of the relationship, including, but not limited to, whether the child was raised with a sibling in the same home, whether the child shared significant common experiences or has existing close and strong bonds with a sibling, and whether ongoing contact is in the child's best interest, including the child's long-term emotional interest, as compared to the benefit of legal permanence through adoption.

The court shall set a permanency goal that is in the best interest of the child. The court's determination shall include the following factors:

(1) Age of the child.

(2) Options available for permanence.

(3) Current placement of the child and the intent of the family regarding adoption.

(4) Emotional, physical, and mental status or condition of the child.

(5) Types of services previously offered and whether or not the services were successful and, if not successful, the reasons the services failed.

(6) Availability of services currently needed and whether the services exist.

(7) Status of siblings of the minor.

The court shall consider (i) the permanency goal contained in the service plan, (ii) the appropriateness of the services contained in the plan and whether those services have been provided, (iii) whether reasonable efforts have been made by all the parties to the service plan to achieve the goal, and (iv) whether the plan and goal have been achieved. All evidence relevant to determining these questions, including oral and written reports, may be admitted and may be relied on to the extent of their probative value.

If the goal has been achieved, the court shall enter orders that are necessary to conform the minor's legal custody and status to those findings.

If, after receiving evidence, the court determines that the services contained in the plan are not reasonably calculated to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. The court also shall enter an order for the Department to develop and implement a new service plan or to implement changes to the current service plan consistent with the court's findings. The new service plan shall be filed with the court and served on all parties within 45 days of the date of the order. The court shall continue the matter until the new service plan is filed. Unless otherwise specifically authorized by law, the court is not empowered under this subsection (2) or under subsection (3) to order specific placements, specific services,

or specific service providers to be included in the plan.

A guardian or custodian appointed by the court pursuant to this Act shall file updated case plans with the court every 6 months.

Rights of wards of the court under this Act are enforceable against any public agency by complaints for relief by mandamus filed in any proceedings brought under this Act.

(3) Following the permanency hearing, the court shall enter a written order that includes the determinations required under subsection (2) of this Section and sets forth the following:

(a) The future status of the minor, including the permanency goal, and any order necessary to conform the minor's legal custody and status to such determination; or

(b) If the permanency goal of the minor cannot be achieved immediately, the specific reasons for continuing the minor in the care of the Department of Children and Family Services or other agency for short term placement, and the following determinations:

(i) (Blank).

(ii) Whether the services required by the court and by any service plan prepared within the prior 6 months have been provided and (A) if so, whether the services were reasonably calculated to facilitate the achievement of the permanency goal or (B) if not provided, why the services were not provided.

(iii) Whether the minor's placement is necessary, and appropriate to the plan and goal, recognizing the right of minors to the least restrictive (most family-like) setting available and in close proximity to the parents' home consistent with the health, safety, best interest and special needs of the minor and, if the minor is placed out-of-State, whether the out-of-State placement continues to be appropriate and consistent with the health, safety, and best interest of the minor.

(iv) (Blank).

(v) (Blank).

Any order entered pursuant to this subsection (3) shall be immediately appealable as a matter of right under Supreme Court Rule 304(b)(1).

(4) The minor or any person interested in the minor may apply to the court for a change in custody of the minor and the appointment of a new custodian or guardian of the person or for the restoration of the minor to the custody of his parents or former guardian or custodian.

When return home is not selected as the permanency goal:

(a) The Department, the minor, or the current foster parent or relative caregiver seeking private guardianship may file a motion for private guardianship of the minor. Appointment of a guardian under this Section requires approval of the court.

(b) The State's Attorney may file a motion to terminate parental rights of any parent who has failed to make reasonable efforts to correct the conditions which led to the removal of the child or reasonable progress toward the return of the child, as defined in subdivision (D)(m) of Section 1 of the Adoption Act or for whom any other unfitness ground for terminating parental rights as defined in subdivision (D) of Section 1 of the Adoption Act exists.

Custody of the minor shall not be restored to any parent, guardian or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering his or her health or safety and it is in the best interest of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the health, safety and best interest of the minor and the fitness of such parent, guardian or legal custodian to care for the minor and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor. In the event that the minor has attained 18 years of age and the guardian or custodian petitions the court for an order terminating his guardianship or custody, guardianship or custody shall terminate automatically 30 days after the receipt of the petition unless the court orders otherwise. No legal custodian or guardian of the person may be removed without his consent until given notice and an opportunity to be heard by the court.

When the court orders a child restored to the custody of the parent or parents, the court shall order the parent or parents to cooperate with the Department of Children and Family Services and comply with the terms of an after-care plan, or risk the loss of custody of the child and possible termination of their parental rights. The court may also enter an order of protective supervision in accordance with Section 2-24.

(5) Whenever a parent, guardian, or legal custodian files a motion for restoration of custody of the minor, and the minor was adjudicated neglected, abused, or dependent as a result of physical abuse, the court shall

cause to be made an investigation as to whether the movant has ever been charged with or convicted of any criminal offense which would indicate the likelihood of any further physical abuse to the minor. Evidence of such criminal convictions shall be taken into account in determining whether the minor can be cared for at home without endangering his or her health or safety and fitness of the parent, guardian, or legal custodian.

(a) Any agency of this State or any subdivision thereof shall co-operate with the agent of the court in providing any information sought in the investigation.

(b) The information derived from the investigation and any conclusions or recommendations derived from the information shall be provided to the parent, guardian, or legal custodian seeking restoration of custody prior to the hearing on fitness and the movant shall have an opportunity at the hearing to refute the information or contest its significance.

(c) All information obtained from any investigation shall be confidential as provided in Section 5-150 of this Act.

(Source: P.A. 91-357, eff. 7-29-99; 92-320, eff. 1-1-02.)".

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was to the order of Third Reading

RECALL

At the request of the principal sponsor, Representative Reitz, SENATE BILL 19 was recalled from the order of Third Reading to the order of Second Reading.

SENATE BILL ON SECOND READING

SENATE BILL 19. Having been read by title a second time on May 21, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Reitz offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend Senate Bill 19, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 4, below line 1, by inserting the following:

"(4) Make agreements with obstetrical health care facilities, consistent with federal regulations, for the collection of donated units of human cord blood."; and

on page 4, below line 14, by inserting the following:

"(9) Hospital administration from birthing hospitals.".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 62. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 62 on page 1, line 5, by replacing "and 12-4" with ", 12-4, and 24-1"; and

on page 14, by replacing lines 12 through 20 with the following:

"(720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

Sec. 24-1. Unlawful Use of Weapons.

(a) A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, slung-shot, sand-club, sand-bag, metal knuckles, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button,

spring or other device in the handle of the knife, or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas; or

(2) Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, ~~billy,~~ dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser or any other dangerous or deadly weapon or instrument of like character; or

(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older; or

(4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a) (4) does not apply to or affect transportation of weapons that meet one of the following conditions:

(i) are broken down in a non-functioning state; or

(ii) are not immediately accessible; or

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or

(5) Sets a spring gun; or

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries:

(i) a machine gun, which shall be defined for the purposes of this subsection as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person;

(ii) any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches; or

(iii) any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; or

(8) Carries or possesses any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted.

This subsection (a)(8) does not apply to any auction or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses; or

(9) Carries or possesses in a vehicle or on or about his person any pistol, revolver, stun gun or taser or firearm or ballistic knife, when he is hooded, robed or masked in such manner as to conceal his identity; or

(10) Carries or possesses on or about his person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode or fixed place of business, any <u>billy or any</u> pistol, revolver, stun gun or taser or other firearm, except that this subsection (a) (10) does not apply to or affect transportation of weapons that meet one of the following conditions:

(i) are broken down in a non-functioning state; or

(ii) are not immediately accessible; or

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

A "stun gun or taser", as used in this paragraph (a) means (i) any device which is powered by electrical charging units, such as, batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning or (ii) any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or

(11) Sells, manufactures or purchases any explosive bullet. For purposes of this paragraph (a) "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(12) (Blank).

(b) Sentence. A person convicted of a violation of subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or subsection 24-1(a)(11) commits a Class A misdemeanor. A person convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a person convicted of a violation of subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person convicted of a violation of subsection 24-1(a)(7)(i) commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years, unless the weapon is possessed in the passenger compartment of a motor vehicle as defined in Section 1-146 of the Illinois Vehicle Code, or on the person, while the weapon is loaded, in which case it shall be a Class X felony. A person convicted of a second or subsequent violation of subsection 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3 felony. The possession of each weapon in violation of this Section constitutes a single and separate violation.

(c) Violations in specific places.

(1) A person who violates subsection 24-1(a)(6) or 24-1(a)(7) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years.

(1.5) A person who violates subsection 24-1(a)(4), 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the time of day or the time of year, in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 3 felony.

(2) A person who violates subsection 24-1(a)(1), 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property

comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 4 felony. "Courthouse" means any building that is used by the Circuit, Appellate, or Supreme Court of this State for the conduct of official business.

(3) Paragraphs (1), (1.5), and (2) of this subsection (c) shall not apply to law enforcement officers or security officers of such school, college, or university or to students carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded enclosed in a suitable case, box, or transportation package.

(4) For the purposes of this subsection (c), "school" means any public or private elementary or secondary school, community college, college, or university.

(d) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection (a)(7) is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances: (i) if such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or (ii) if such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

(e) Exemptions. Crossbows, Common or Compound bows and Underwater Spearguns are exempted from the definition of ballistic knife as defined in paragraph (1) of subsection (a) of this Section.

(Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; revised 8-19-05.)

Section 10. The Air Rifle Act is amended by changing Sections 2, 3, 4, and 7 and by adding Section 3.1 as follows:

(720 ILCS 535/2) (from Ch. 38, par. 82-2)

Sec. 2. It is unlawful for any dealer to sell, lend, rent, give or otherwise transfer an air rifle to any person under the age of 18 ~~13~~ years where the dealer knows or has cause to believe the person to be under 18 ~~13~~ years of age or where such dealer has failed to make reasonable inquiry relative to the age of such person and such person is under 18 ~~13~~ years of age.

It is unlawful for any person to sell, give, lend or otherwise transfer any air rifle to any person under 18 ~~13~~ years of age except where the relationship of parent and child, guardian and ward or adult instructor and pupil, exists between such person and the person under 18 ~~13~~ years of age, or where such person stands in loco parentis to the person under 18 ~~13~~ years of age.

(Source: Laws 1965, p. 2977.)

(720 ILCS 535/3) (from Ch. 38, par. 82-3)

Sec. 3. It is unlawful for any person under 18 ~~13~~ years of age to carry any air rifle on the public streets, roads, highways or public lands within this State~~, unless such person under 13 years of age carries such rifle unloaded~~.

It is unlawful for any person to discharge any air rifle from or across any street, sidewalk, road, highway or public land or any public place except on a safely constructed target range.

(Source: Laws 1965, p. 2977.)

(720 ILCS 535/3.1 new)

Sec. 3.1. Carrying or possessing air rifle in school and property comprising school property or on any conveyance used by a school for the transportation of students. It is unlawful for any person under 18 years of age to carry or possess any air rifle while located in any building used as a school and property comprising school property or on any conveyance used by a school for the transportation of students. This Section does not apply to school sanctioned events or activities that have received the prior approval of the school principal.

(720 ILCS 535/4) (from Ch. 38, par. 82-4)

Sec. 4. Notwithstanding any provision of this Act, it is lawful for any person under 18 ~~13~~ years of age to have in his possession any air rifle if it is:

(1) Kept within his house of residence or other private enclosure;

(2) Used by the person under 18 ~~13~~ years of age and he is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision guidance and instruction of a responsible adult and then only if said air rifle is actually being used in connection with the activities of

said club team or society under the supervision of a responsible adult; or

(3) Used in or on any private grounds or residence under circumstances when such air rifle is fired, discharged or operated in such a manner as not to endanger persons or property and then only if it is used in such manner as to prevent the projectile from passing over any grounds or space outside the limits of such grounds or residence.

(Source: Laws 1965, p. 2977.)

(720 ILCS 535/7) (from Ch. 38, par. 82-7)

Sec. 7. Sentence.

(a) Any dealer violating any provision of Section 2 of this Act commits a petty offense.

(b) Except as otherwise provided in this Section, any ~~Any~~ person violating any other provision of this Act commits a petty offense ~~and shall pay a fine not to exceed $50~~.

(c) A violation of Section 3.1 is a Class A misdemeanor.

(Source: P.A. 77-2815.)".

Representative Reboletti offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend Senate Bill 62, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, by replacing lines 19 through 24 on page 10 and lines 1 through 20 on page 11 with the following:

"Section 7 and by adding Section 3.1 as follows:"; and

by deleting lines 7 through 25 on page 12 and lines 1 and 2 on page 13.

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 108. Having been recalled on May 22, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Harris offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 108 on page 3, by replacing lines 22 and 23 with the following:

"child to return home and no other living arrangement agreeable to the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child;"; and

on page 3, line 24, by deleting "made;"; and

on page 13, by replacing lines 1 and 2 with the following:

"home, and no other living arrangement agreeable to ~~the minor and~~ the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child, the agency".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 149. Having been read by title a second time on May 24, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Saviano offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 149 on page 2, immediately below line 9, by inserting the following:

"Section 7. The Medical Practice Act of 1987 is amended by changing Section 3.5 as follows:

(225 ILCS 60/3.5)
(Section scheduled to be repealed on December 31, 2008)
Sec. 3.5. Unlicensed practice; violation; civil penalty.
(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a physician without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.
(b) The Department has the authority and power to investigate any and all unlicensed activity.
(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.
(d) Nothing in this Act shall be construed to limit the right of persons licensed under this Act to delegate tasks or duties to licensed or unlicensed personnel who have the training or experience to perform the tasks or duties so delegated.
(Source: P.A. 89-474, eff. 6-18-96.)"; and
on 29, immediately below line 3, by inserting the following:
"Section 13. The Electrologist Licensing Act is amended by changing Section 20 as follows:
(225 ILCS 412/20)
(Section scheduled to be repealed on January 1, 2014)
Sec. 20. Exemptions. This Act does not prohibit:
(1) A person licensed in this State under any other Act from engaging in the practice for which that person is licensed.
(2) The practice of electrology by a person who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of the employee's official duties.
(3) The practice of electrology included in a program of study by students enrolled in schools or in refresher courses approved by the Department.
Nothing in this Act shall be construed to prevent a person functioning as an assistant to a person licensed to practice medicine in all its branches from being delegated tasks or duties for which he or she has the training or experience to perform, in accordance with Section 3.5 of the Medical Practice Act of 1987 ~~providing electrology services~~.
(Source: P.A. 92-750, eff. 1-1-03.)".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 244. Having been reproduced, was taken up and read by title a second time.
The following amendment was offered in the Committee on Human Services, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 244 as follows:
immediately above the enacting clause, by inserting the following:
"WHEREAS, The 94th General Assembly funded a study by the Lewin Group, "An Evaluation of Illinois' 'Certificate of Need' Program", which recommended that "... the Illinois legislature move forward to continue the 'Certificate-of-Need' program with an abundance of caution...". Given the potential for harm to specific critical elements of the health care system, non-traditional arguments for maintaining "Certificate-of-Need" laws deserve consideration, until the evidence on the impact that specialty providers and ambulatory surgery centers may have on safety-net providers and services can be better quantified. In response to the Lewin analysis and additional concerns regarding health planning in Illinois, the 95th General Assembly enacted Senate Bill 611 (Public Act 95-0001) that extended the "sunset" date of the Illinois Health Facilities Planning Act from April 1, 2007 to May 31, 2007 so that interested parties could agree on a strategy to further extend the "sunset" date, and develop a more comprehensive reform agenda; therefore"; and
by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Health Facilities Planning Act is amended by changing Section 19.6 and by adding Sections 12.5 and 15.5 as follows:

(20 ILCS 3960/12.5 new)

Sec. 12.5. Update of existing bed inventory and associated bed need projections. The State Agency shall immediately update the existing bed inventory and associated bed need projections required by Sections 12 and 12.3 of this Act, using the most recently published historical utilization data, 10-year population projections, and a consistent 85% migration factor for each category of service.

(20 ILCS 3960/15.5 new)

Sec. 15.5. Task Force on Health Planning Reform.

(a) The Task Force on Health Planning Reform is created.

(b) The Task Force shall consist of 15 voting members, as follows: 6 persons, who are not currently employed by a State agency, appointed by the Director of Public Health, 3 of whom shall be persons with knowledge and experience in the delivery of health care services, including at least 1 person representing organized health service workers, 2 of whom shall be persons with professional experience in the administration or management of health care facilities, and 1 of whom shall be a person with experience in health planning; 2 members of the Illinois Senate appointed by the President of the Senate, one of whom shall be designated a co-chair at the time of appointment; 2 members of the Illinois Senate appointed by the Senate Minority Leader; 2 members of the Illinois House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be designated a co-chair at the time of appointment; 2 members of the Illinois House of Representatives appointed by the House Minority Leader; and one member, or a designee, appointed by the Attorney General of Illinois.

The following persons, or their designees, shall serve, ex officio, as nonvoting members of the Task Force: the Director of Public Health, the Secretary of the Illinois Health Facilities Planning Board, the Director of Healthcare and Family Services, the Secretary of Human Services, and the Director of the Governor's Office of Management and Budget.

Members shall serve without compensation, but may be reimbursed for their expenses in relation to duties on the Task Force.

A vote of 10 members appointed to the Task Force is required with respect to the adoption of recommendations to the Governor and General Assembly and the final report required by this Section.

(c) The Task Force shall gather information and make recommendations relating to at least the following topics in relation to the Illinois Health Facilities Planning Act:

(1) The impact of health planning on the provision of essential and accessible health care services; prevention of unnecessary duplication of facilities and services; improvement in the efficiency of the health care system; maintenance of an environment in the health care system that supports quality care; the most economic use of available resources; and the effect of repealing this Act.

(2) Reform of the Illinois Health Facilities Planning Board to enable it to undertake a more active role in health planning to provide guidance in the development of services to meet the health care needs of Illinois, including identifying and recommending initiatives to meet special needs.

(3) Reforms to ensure that health planning under the Illinois Health Facilities Planning Act is coordinated with other health planning laws and activities of the State.

(4) Reforms that will enable the Illinois Health Facilities Planning Board to focus most of its project review efforts on "Certificate-of-Need" applications involving new facilities, discontinuation of services, major expansions, and volume-sensitive services, and to expedite review of other projects to the maximum extent possible.

(5) Reforms that will enable the Illinois Health Facilities Planning Board to determine how criteria, standards, and procedures for evaluating project applications involving specialty providers, ambulatory surgical facilities, and other alternative health care models should be amended to give special attention to the impact of those projects on traditional community hospitals to assure the availability and access to essential quality medical care in those communities.

(6) Implementation of policies and procedures necessary for the Illinois Health Facilities Planning Board to give special consideration to the impact of the projects it reviews on access to "safety net" services.

(7) Changes in policies and procedures to make the Illinois health facilities planning process predictable, transparent, and as efficient as possible; requiring the State Agency (the Illinois Department of Public Health) and the Illinois Health Facilities Planning Board to provide timely and appropriate explanations of its decisions and establish more effective procedures to enable public review and comment on facts set forth in State Agency staff analyses of project applications prior to the issuance of final

decisions on each project.

(8) Reforms to ensure that patient access to new and modernized services will not be delayed during a transition period under any proposed system reform; and that the transition should minimize disruption of the process for current applicants.

(9) Identification of the resources necessary to support the work of the Agency and the Board.

(d) The Task Force shall recommend reforms regarding the following:

(1) The size and membership of current Illinois Health Facilities Planning Board. Review and make recommendations on the reorganization of the structure and function of the Illinois Health Facilities Planning Board and the State Agency responsible for health planning (the Illinois Department of Public Health), giving consideration to various options for re-assigning the primary responsibility for the review, approval, and denial of project applications between the Board and the State Agency, so that the "Certificate-of-Need" process is administered in the most effective, efficient, and consistent manner possible in accordance with the objectives referenced in subsection (c) of this Section.

(2) Changes in policies and procedures that will charge the Illinois Health Facilities Planning Board with developing a long range health facilities plan (10 years) to be updated at least every 2 years, so that it is a rolling 10-year plan based upon data no older than 2 years. The plan should incorporate an inventory of the State's health facilities infrastructure including both facilities and services regulated under this Act, as well as facilities and services that are not currently regulated under this Act, as determined by the Board. The planning criteria and standards should be adjusted to take into consideration services that are regulated under the Act, but are also offered by non-regulated providers. The Illinois Department of Public Health bed inventory should be updated each year using the most recent utilization data for both hospitals and long-term care facilities including 2003, 2004, 2005 and subsequent-year inpatient discharges and days. This revised bed supply should be used as the bed supply input for all Planning Area bed need calculations. Ten-year population projection data should be incorporated into the plan. Plan updates may include re-drawing planning area boundaries to reflect population changes. The Task Force shall consider whether the inventory formula should use migration factors for the medical/surgical, pediatrics, obstetrics, and other categories of service, and if so, what those migration factors should be. The Board should hold public hearings on the plan and its updates. There should be a mechanism for the public to request that the plan be updated more frequently to address emerging population and demographic trends. In developing the plan, the Board should consider health plans and other related publications that have been developed both in Illinois and nationally. In developing the plan, the need to ensure access to care, especially for "safety net" services, including rural and medically underserved communities, should be included.

(3) Changes in regulations that establish separate criteria, standards, and procedures when necessary to adjust for structural, functional, and operational differences between long term care facilities and acute care facilities and that allow routine changes of ownership, facility sales, and closure requests to be processed on a timely basis. Consider rules to allow flexibility for facilities to modernize, expand, or convert to alternative uses that are in accord with health planning standards.

(4) Changes in policies and procedures so that the Illinois Health Facilities Planning Board updates the standards and criteria on a regular basis and proposes new standards to keep pace with the evolving health care delivery system. Proton Therapy and Treatment is an example of a new, cutting-edge procedure that may require the Board to immediately develop criteria, standards, and procedures for that type of facility. Temporary advisory committees may be appointed to assist in the development of revisions to the Board's standards and criteria, including experts with professional competence in the subject matter of the proposed standards or criteria that are to be developed.

(5) Changes in policies and procedures to expedite project approval, particularly for less complex projects, including standards for determining whether a project is in "substantial compliance" with the Board's review standards. The review standards must include a requirement for applicants to include a "Safety Net" Impact Statement. This Statement shall describe the project's impact on safety net services in the community. The State Agency Report shall include an assessment of the Statement.

(6) Changes to enforcement processes and compliance standards to ensure they are fair and consistent with the severity of the violation.

(7) Revisions in policies and procedures to prevent conflicts of interest by members of the Illinois Health Facilities Planning Board and State Agency staff, including increasing the penalties for violations.

(8) Other changes determined necessary to improve the administration of this Act.

(e) The State Agency, at the direction of the Task Force, may hire any necessary staff or consultants, enter into contracts, and make any expenditures necessary for carrying out the duties of the Task Force, all out of moneys appropriated for that purpose. Staff support services shall be provided to the Task Force by

the State Agency from such appropriations.

(f) The Task Force may establish any advisory committee to ensure maximum public participation in the Task Force's planning, organization, and implementation review process. If established, advisory committees shall (i) advise and assist the Task Force in its duties and (ii) help the Task Force to identify issues of public concern.

(g) The Task Force shall submit findings and recommendations to the Governor and the General Assembly by March 1, 2008, including any necessary implementing legislation, and recommendations for changes to policies, rules, or procedures that are not incorporated in the implementing legislation.

(h) The Task Force is abolished on August 1, 2008.

(20 ILCS 3960/19.6)

(Section scheduled to be repealed on May 31, 2007)

Sec. 19.6. Repeal. This Act is repealed on August 31, 2008 ~~May 31, 2007~~.

(Source: P.A. 94-983, eff. 6-30-06; 95-1, eff. 3-30-07.)

Section 99. Effective date. This Act takes effect upon becoming law.".

Floor Amendments numbered 2 and 3 remained in the Committee on Rules.

Representative Dugan offered the following amendment and moved its adoption:

AMENDMENT NO. 4. Amend Senate Bill 244, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 2, by replacing lines 12 through 19 with the following:

"(20 ILCS 3960/12.5 new)

Sec. 12.5. Update existing bed inventory and associated bed need projections. While the Task Force on Health Planning Reform will make long-term recommendations related to the method and formula for calculating the bed inventory and associated bed need projections, there is a current need for the bed inventory to be updated prior to the issuance of the recommendations of the Task Force. Therefore, the State Agency shall immediately update the existing bed inventory and associated bed need projections required by Sections 12 and 12.3 of this Act, using the most recently published historical utilization data, 10-year population projections, and an appropriate migration factor for the medical-surgical and pediatric category of service which shall be no less than 50%. The State Agency shall provide written documentation providing the methodology and rationale used to determine the appropriate migration factor."; and

on page 3, by replacing lines 1 through 19 with the following:

"(b) The Task Force shall consist of 19 voting members, as follows: 6 persons, who are not currently employed by a State agency, appointed by the Director of Public Health, 3 of whom shall be persons with knowledge and experience in the delivery of health care services, including at least one person representing organized health service workers, 2 of whom shall be persons with professional experience in the administration or management of health care facilities, and one of whom shall be a person with experience in health planning; 2 members of the Illinois Senate appointed by the President of the Senate, one of whom shall be a co-chair to the Task Force; 2 members of the Illinois Senate appointed by the Senate Minority Leader; 2 members of the Illinois House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be a co-chair to the Task Force; 2 members of the Illinois House of Representatives appointed by the House Minority Leader; the Attorney General, or his or her designee; and 4 members of the general public, representing health care consumers, appointed by the Attorney General of Illinois."; and

on page 4, line 3, by replacing "10" with "12".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 340. Having been recalled on May 24, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Mathias offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend Senate Bill 340, AS AMENDED, by replacing everything after the

enacting clause with the following:

"Section 5. The Illinois Act on the Aging is amended by changing Section 4.02 as follows:

(20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

Sec. 4.02. The Department shall establish a program of services to prevent unnecessary institutionalization of persons age 60 and older in need of long term care or who are established as persons who suffer from Alzheimer's disease or a related disorder under the Alzheimer's Disease Assistance Act, thereby enabling them to remain in their own homes or in other living arrangements. Such preventive services, which may be coordinated with other programs for the aged and monitored by area agencies on aging in cooperation with the Department, may include, but are not limited to, any or all of the following:

(a) home health services;

(b) home nursing services;

(c) homemaker services;

(d) chore and housekeeping services;

(e) adult day services;

(f) home-delivered meals;

(g) education in self-care;

(h) personal care services;

(i) adult day health services;

(j) habilitation services;

(k) respite care;

(k-5) community reintegration services;

(l) other nonmedical social services that may enable the person to become self-supporting; or

(m) clearinghouse for information provided by senior citizen home owners who want to rent rooms to or share living space with other senior citizens.

The Department shall establish eligibility standards for such services taking into consideration the unique economic and social needs of the target population for whom they are to be provided. Such eligibility standards shall be based on the recipient's ability to pay for services; provided, however, that in determining the amount and nature of services for which a person may qualify, consideration shall not be given to the value of cash, property or other assets held in the name of the person's spouse pursuant to a written agreement dividing marital property into equal but separate shares or pursuant to a transfer of the person's interest in a home to his spouse, provided that the spouse's share of the marital property is not made available to the person seeking such services.

Beginning July 1, 2002, the Department shall require as a condition of eligibility that all financially eligible applicants and recipients apply for medical assistance under Article V of the Illinois Public Aid Code in accordance with rules promulgated by the Department.

The Department shall, in conjunction with the Department of Public Aid (now Department of Healthcare and Family Services), seek appropriate amendments under Sections 1915 and 1924 of the Social Security Act. The purpose of the amendments shall be to extend eligibility for home and community based services under Sections 1915 and 1924 of the Social Security Act to persons who transfer to or for the benefit of a spouse those amounts of income and resources allowed under Section 1924 of the Social Security Act. Subject to the approval of such amendments, the Department shall extend the provisions of Section 5-4 of the Illinois Public Aid Code to persons who, but for the provision of home or community-based services, would require the level of care provided in an institution, as is provided for in federal law. Those persons no longer found to be eligible for receiving noninstitutional services due to changes in the eligibility criteria shall be given 60 days notice prior to actual termination. Those persons receiving notice of termination may contact the Department and request the determination be appealed at any time during the 60 day notice period. With the exception of the lengthened notice and time frame for the appeal request, the appeal process shall follow the normal procedure. In addition, each person affected regardless of the circumstances for discontinued eligibility shall be given notice and the opportunity to purchase the necessary services through the Community Care Program. If the individual does not elect to purchase services, the Department shall advise the individual of alternative services. The target population identified for the purposes of this Section are persons age 60 and older with an identified service need. Priority shall be given to those who are at imminent risk of institutionalization. The services shall be provided to eligible persons age 60 and older to the extent that the cost of the services together with the other personal maintenance expenses of the persons are reasonably related to the standards established for care in a group facility appropriate to the person's condition. These non-institutional services, pilot projects or experimental facilities may be

provided as part of or in addition to those authorized by federal law or those funded and administered by the Department of Human Services. The Departments of Human Services, Healthcare and Family Services, Public Health, Veterans' Affairs, and Commerce and Economic Opportunity and other appropriate agencies of State, federal and local governments shall cooperate with the Department on Aging in the establishment and development of the non-institutional services. The Department shall require an annual audit from all chore/housekeeping and homemaker vendors contracting with the Department under this Section. The annual audit shall assure that each audited vendor's procedures are in compliance with Department's financial reporting guidelines requiring an administrative and employee wage and benefits cost split as defined in administrative rules. The audit is a public record under the Freedom of Information Act. The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department of Healthcare and Family Services, to effect the following: (1) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (2) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped. On and after July 1, 1996, all nursing home prescreenings for individuals 60 years of age or older shall be conducted by the Department.

As part of the Department on Aging's routine training of case managers and case manager supervisors, the Department may include information on family futures planning for persons who are age 60 or older and who are caregivers of their adult children with developmental disabilities. The content of the training shall be at the Department's discretion.

The Department is authorized to establish a system of recipient copayment for services provided under this Section, such copayment to be based upon the recipient's ability to pay but in no case to exceed the actual cost of the services provided. Additionally, any portion of a person's income which is equal to or less than the federal poverty standard shall not be considered by the Department in determining the copayment. The level of such copayment shall be adjusted whenever necessary to reflect any change in the officially designated federal poverty standard.

The Department, or the Department's authorized representative, shall recover the amount of moneys expended for services provided to or in behalf of a person under this Section by a claim against the person's estate or against the estate of the person's surviving spouse, but no recovery may be had until after the death of the surviving spouse, if any, and then only at such time when there is no surviving child who is under age 21, blind, or permanently and totally disabled. This paragraph, however, shall not bar recovery, at the death of the person, of moneys for services provided to the person or in behalf of the person under this Section to which the person was not entitled; provided that such recovery shall not be enforced against any real estate while it is occupied as a homestead by the surviving spouse or other dependent, if no claims by other creditors have been filed against the estate, or, if such claims have been filed, they remain dormant for failure of prosecution or failure of the claimant to compel administration of the estate for the purpose of payment. This paragraph shall not bar recovery from the estate of a spouse, under Sections 1915 and 1924 of the Social Security Act and Section 5-4 of the Illinois Public Aid Code, who precedes a person receiving services under this Section in death. All moneys for services paid to or in behalf of the person under this Section shall be claimed for recovery from the deceased spouse's estate. "Homestead", as used in this paragraph, means the dwelling house and contiguous real estate occupied by a surviving spouse or relative, as defined by the rules and regulations of the Department of Healthcare and Family Services, regardless of the value of the property.

The Department shall develop procedures to enhance availability of services on evenings, weekends, and on an emergency basis to meet the respite needs of caregivers. Procedures shall be developed to permit the utilization of services in successive blocks of 24 hours up to the monthly maximum established by the Department. Workers providing these services shall be appropriately trained.

Beginning on the effective date of this Amendatory Act of 1991, no person may perform chore/housekeeping and homemaker services under a program authorized by this Section unless that person has been issued a certificate of pre-service to do so by his or her employing agency. Information gathered to effect such certification shall include (i) the person's name, (ii) the date the person was hired by his or her current employer, and (iii) the training, including dates and levels. Persons engaged in the program authorized by this Section before the effective date of this amendatory Act of 1991 shall be issued a certificate of all pre- and in-service training from his or her employer upon submitting the necessary information. The employing agency shall be required to retain records of all staff pre- and in-service training, and shall provide such records to the Department upon request and upon termination of the employer's contract with the Department. In addition, the employing agency is responsible for the issuance

of certifications of in-service training completed to their employees.

The Department is required to develop a system to ensure that persons working as homemakers and chore housekeepers receive increases in their wages when the federal minimum wage is increased by requiring vendors to certify that they are meeting the federal minimum wage statute for homemakers and chore housekeepers. An employer that cannot ensure that the minimum wage increase is being given to homemakers and chore housekeepers shall be denied any increase in reimbursement costs.

The Community Care Program Advisory Committee is created in the Department on Aging. The Director shall appoint individuals to serve in the Committee, who shall serve at their own expense. Members of the Committee must abide by all applicable ethics laws. The Committee shall advise the Department on issues related to the Department's program of services to prevent unnecessary institutionalization. The Committee shall meet on a bi-monthly basis and shall serve to identify and advise the Department on present and potential issues affecting the service delivery network, the program's clients, and the Department and to recommend solution strategies. Persons appointed to the Committee shall be appointed on, but not limited to, their own and their agency's experience with the program, geographic representation, and willingness to serve. The Director shall appoint members to the Committee to represent provider, advocacy, policy research, and other constituencies committed to the delivery of high quality home and community-based services to older adults. Representatives shall be appointed to ensure representation from community care providers including, but not limited to, adult day service providers, homemaker providers, case coordination and case management units, emergency home response providers, statewide trade or labor unions that represent homecare aides and direct care staff, area agencies on aging, adults over age 60, membership organizations representing older adults, and other organizational entities, providers of care, or individuals with demonstrated interest and expertise in the field of home and community care as determined by the Director. ~~The Committee shall include, but not be limited to, representatives from the following agencies and organizations:~~

~~(a) at least 4 adult day service representatives;~~

~~(b) at least 4 case coordination unit representatives;~~

~~(c) at least 4 representatives from in-home direct care service agencies;~~

~~(d) at least 2 representatives of statewide trade or labor unions that represent in-home direct care service staff;~~

~~(e) at least 2 representatives of Area Agencies on Aging;~~

~~(f) at least 2 non-provider representatives from a policy, advocacy, research, or other service organization;~~

~~(g) at least 2 representatives from a statewide membership organization for senior citizens; and~~

~~(h) at least 2 citizen members 60 years of age or older.~~

Nominations may be presented from any agency or State association with interest in the program. The Director, or his or her designee, shall serve as the permanent co-chair of the advisory committee. One other co-chair shall be nominated and approved by the members of the committee on an annual basis. Committee members' terms of appointment shall be for 4 years with one-quarter of the appointees' terms expiring each year. A member shall continue to serve until his or her replacement is named. ~~At no time may a member serve more than one consecutive term in any capacity on the committee.~~ The Department shall fill vacancies that have a remaining term of over one year, and this replacement shall occur through the annual replacement of expiring terms. The Director shall designate Department staff to provide technical assistance and staff support to the committee. Department representation shall not constitute membership of the committee. All Committee papers, issues, recommendations, reports, and meeting memoranda are advisory only. The Director, or his or her designee, shall make a written report, as requested by the Committee, regarding issues before the Committee.

The Department on Aging and the Department of Human Services shall cooperate in the development and submission of an annual report on programs and services provided under this Section. Such joint report shall be filed with the Governor and the General Assembly on or before September 30 each year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

Those persons previously found eligible for receiving non-institutional services whose services were

discontinued under the Emergency Budget Act of Fiscal Year 1992, and who do not meet the eligibility standards in effect on or after July 1, 1992, shall remain ineligible on and after July 1, 1992. Those persons previously not required to cost-share and who were required to cost-share effective March 1, 1992, shall continue to meet cost-share requirements on and after July 1, 1992. Beginning July 1, 1992, all clients will be required to meet eligibility, cost-share, and other requirements and will have services discontinued or altered when they fail to meet these requirements.
(Source: P.A. 93-85, eff. 1-1-04; 93-902, eff. 8-10-04; 94-48, eff. 7-1-05; 94-269, eff. 7-19-05; 94-336, eff. 7-26-05; 94-954, eff. 6-27-06.)
Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was again advanced to the order of Third Reading.

SENATE BILL 473. Having been recalled on May 23, 2007, and held on the order of Second Reading, the same was again taken up.
Representative Feigenholtz offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 473 as follows:
on page 1, immediately below line 3, by inserting the following:
"Section 3. The Property Tax Code is amended by changing Section 20-25 as follows:
(35 ILCS 200/20-25)
Sec. 20-25. Forms of payment.
(a) Taxes levied by taxing districts may be satisfied by payment in legal money of the United States, cashier's check, certified check, post office money order, bank money order issued by a national or state bank that is insured by the Federal Deposit Insurance Corporation, or by a personal or corporate check drawn on such a bank, to the respective collection officers who are entitled by law to receive the tax payments or by credit card in accordance with the Local Governmental Acceptance of Credit Cards Act. A county collector may refuse to accept a personal check within 30 days before a tax sale.
(b) Beginning on January 1, 2008, a county with a population of more than 3,000,000 is required to accept payment by credit card for each installment of property taxes. Nothing in this subsection requires a county with a population of more than 3,000,000 to accept payment by credit card for the payment on any installment of taxes that is delinquent under Section 21-10, 21-25, or 21-30 of the Property Tax Code or for the purposes of any tax sale or scavenger sale under Division 3.5, 4, or 5 of Article 21 of the Property Tax Code. This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.
(Source: P.A. 90-518, eff. 8-22-97.)"; and
on page 7, immediately below line 5, by inserting the following:
"Section 10. The State Mandates Act is amended by adding Section 8.31 as follows:
(30 ILCS 805/8.31 new)
Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was again advanced to the order of Third Reading.

SENATE BILL 526. Having been reproduced, was taken up and read by title a second time.
Representative Feigenholtz offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend Senate Bill 526 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Homeowners' Solar Rights Act.

Section 5. Legislative intent. The legislative intent in enacting this Act is to protect the public health, safety, and welfare by encouraging the development and use of renewable resources in order to conserve and protect the value of land, buildings, and resources by preventing the adoption of measures which will have the ultimate effect, however unintended, of increasing the costs of owning and operating commercial or residential property beyond the capacity of private owners to maintain.

Section 10. Associations; prohibitions. Notwithstanding any provision of this Act or other provision of law, the adoption of a bylaw or exercise of any power by the governing entity of a homeowners' association, property owners' association, or condominium unit owners' association which prohibits or has the effect of prohibiting the installation of a solar energy system or other energy device based on a renewable resource is expressly prohibited.

Section 15. Deed restrictions; covenants. No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting a solar energy system or other energy device based on a renewable resource from being installed on a building erected on a lot or parcel covered by the deed restrictions, covenants, or binding agreements. A property owner may not be denied permission to install a solar energy system or other energy device based on a renewable resource by any entity granted the power or right in any deed restriction, covenant, or similar binding agreement to approve, forbid, control, or direct alteration of property. However, for purposes of this Act, the entity may determine the specific location where a solar energy system or other energy device may be installed on the roof within an orientation to the south or within 45 degrees east or west of due south provided that the determination does not impair the effective operation of the solar energy system or other energy device. Each homeowners' association and condominium unit owners' association shall adopt an energy policy statement regarding the location, design, and architectural requirements of solar energy systems or other energy devices. An association shall disclose, upon request, its energy policy statement and shall include the statement in its homeowners' or condominium unit owners' association declaration.

Section 20. Standards and requirements. A solar energy system or other energy device based on a renewable resource shall meet applicable standards and requirements imposed by State and local permitting authorities. A solar energy system shall be certified by the Solar Rating and Certification Corporation (SRCC) or another similar nationally recognized certification entity.

Section 25. Application for approval. Whenever approval is required for the installation or use of a solar energy system or other energy device, the application for approval shall be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property, and the application shall not be willfully avoided or delayed.

Section 30. Violations. Any entity, other than a public entity, that willfully violates this Act shall be liable to the applicant or any other party affected by a willful violation of this Act for actual damages occasioned thereby and for any other consequential damages. Any entity that complies with the requirements of this Act shall not be liable to any other resident or third party for such compliance.

Section 35. Costs; attorney's fees. In any litigation arising under this Act, the prevailing party shall be entitled to costs and reasonable attorney's fees.

Section 40. Inapplicability. This Act shall not apply to any building which is greater than 30 feet in height.".

Representative Hamos offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend Senate Bill 526 on page 3, immediately below line 13, by inserting the following:

"Section 90. The Energy Efficient Commercial Building Act is amended by changing Sections 1, 5, 10, 15, 20, and 45 as follows:

(20 ILCS 3125/1)

Sec. 1. Short title. This Act may be cited as the Energy Efficient ~~Commercial~~ Building Act.
(Source: P.A. 93-936, eff. 8-13-04.)

(20 ILCS 3125/5)

Sec. 5. Findings.

(a) The legislature finds that an effective energy efficient ~~commercial~~ building code is essential to:

(1) reduce the air pollutant emissions from energy consumption that are affecting the health of residents of this State;

(2) moderate future peak electric power demand;

(3) assure the reliability of the electrical grid and an adequate supply of heating oil and natural gas; and

(4) control energy costs for residents and businesses in this State.

(b) The legislature further finds that this State has a number of different climate types, all of which require energy for both cooling and heating, and that there are many cost-effective measures that can reduce peak energy use and reduce cooling, heating, lighting, and other energy costs in ~~commercial~~ buildings.

(Source: P.A. 93-936, eff. 8-13-04.)

(20 ILCS 3125/10)

Sec. 10. Definitions.

"Board" means the Capital Development Board.

"Building" includes both residential buildings and commercial buildings.

"Code" means the latest published edition of the International Code Council's International Energy Conservation Code, excluding published supplements but including the adaptations to the Code that are made by the Board.

"Commercial building" means any building except a building that is a residential building, as defined in this Section.

"Department" means the Department of Commerce and Economic Opportunity.

"Municipality" means any city, village, or incorporated town.

"Residential building" means (i) a detached one-family or 2-family dwelling or (ii) any building that is 3 stories or less in height above grade that contains multiple dwelling units, in which the occupants reside on a primarily permanent basis, such as a townhouse, a row house, an apartment house, a convent, a monastery, a rectory, a fraternity or sorority house, a dormitory, and a rooming house.

(Source: P.A. 93-936, eff. 8-13-04; 94-815, eff. 5-26-06.)

(20 ILCS 3125/15)

Sec. 15. Energy Efficient Building Code. The Board, in consultation with the Department, shall adopt the Code as minimum requirements applying to the construction of, renovations to, and additions to all ~~commercial~~ buildings in the State. The Board may appropriately adapt the International Energy Conservation Code to apply to the particular economy, population distribution, geography, and climate of the State and construction therein, consistent with the public policy objectives of this Act.

(Source: P.A. 93-936, eff. 8-13-04.)

(20 ILCS 3125/20)

Sec. 20. Applicability.

(a) The Code shall take effect one year after it is adopted by the Board and shall apply to any new ~~commercial~~ building or structure in this State for which a building permit application is received by a municipality or county, except as otherwise provided by this Act. In the case of any addition, alteration, renovation, or repair to an existing commercial structure, the Code adopted under this Act applies only to the portions of that structure that are being added, altered, renovated, or repaired.

(b) The following buildings shall be exempt from the Code:

(1) Buildings otherwise exempt from the provisions of a locally adopted building code and buildings that do not contain a conditioned space.

(2) Buildings that do not use either electricity or fossil fuel for comfort conditioning. For purposes of determining whether this exemption applies, a building will be presumed to be heated by electricity, even in the absence of equipment used for electric comfort heating, whenever the building is provided with electrical service in excess of 100 amps, unless the code enforcement official determines that this electrical service is necessary for purposes other than providing electric comfort heating.

(3) Historic buildings. This exemption shall apply to those buildings that are listed on the National Register of Historic Places or the Illinois Register of Historic Places, and to those buildings that have been designated as historically significant by a local governing body that is authorized to make such designations.

(4) Additions, alterations, renovations, or repairs to existing residential structures ~~Residential buildings~~.

(5) Other buildings specified as exempt by the International Energy Conservation Code.

(Source: P.A. 93-936, eff. 8-13-04.)

(20 ILCS 3125/45)

Sec. 45. Home rule. Unless otherwise provided in this Section, no ~~No~~ unit of local government, including

any home rule unit, may regulate energy efficient building standards in a manner that is less stringent than the provisions contained in this Act. Any unit of local government that has adopted the efficiency standards of the 2000 International Energy Conservation Code, including the 2001 supplement, on or before January 1, 2007, may continue to regulate energy efficient building standards under that Code.

This Section is a denial and limitation of home rule powers and functions under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State. Nothing in this Section, however, prevents a unit of local government from adopting an energy efficiency code or standards that are more stringent than the Code under this Act. (Source: P.A. 93-936, eff. 8-13-04.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing motions prevailed and the amendments were adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 705. Having been read by title a second time on May 18, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Reboletti offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend Senate Bill 705, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Controlled Substances Act is amended by changing Sections 406 and 410 and by adding Section 406.2 as follows:

(720 ILCS 570/406) (from Ch. 56 1/2, par. 1406)

Sec. 406. (a) It is unlawful for any person:

(1) who is subject to Article III knowingly to distribute or dispense a controlled substance in violation of Sections 308 through 314 of this Act; or

(2) who is a registrant, to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person; or

(3) to refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this Act; or

(4) to refuse an entry into any premises for any inspection authorized by this Act; or

(5) knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by a person unlawfully possessing controlled substances, or which is used for possessing, manufacturing, dispensing or distributing controlled substances in violation of this Act.

Any person who violates this subsection (a) is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for each subsequent offense. The fine for each subsequent offense shall not be more than $100,000. In addition, any practitioner who is found guilty of violating this subsection (a) is subject to suspension and revocation of his professional license, in accordance with such procedures as are provided by law for the taking of disciplinary action with regard to the license of said practitioner's profession.

(b) It is unlawful for any person knowingly:

(1) to distribute, as a registrant, a controlled substance classified in Schedule I or II, except pursuant to an order form as required by Section 307 of this Act; or

(2) to use, in the course of the manufacture or distribution of a controlled substance, a registration number which is fictitious, revoked, suspended, or issued to another person; or

(3) to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge; or

(4) to furnish false or fraudulent material information in, or omit any material information from, any application, report or other document required to be kept or filed under this Act, or any record required to be kept by this Act; or

(5) to make, distribute or possess any punch, die, plate, stone or other thing designed to print, imprint or reproduce the trademark, trade name or other identifying mark, imprint or device of another, or any likeness of any of the foregoing, upon any controlled substance or container or labeling thereof so as to render the drug a counterfeit substance; or

(6) (blank) ~~to possess without authorization, blank prescription forms or counterfeit prescription forms~~; or

(7) (Blank).

Any person who violates this subsection (b) is guilty of a Class 4 felony for the first offense and a Class 3 felony for each subsequent offense. The fine for the first offense shall be not more than $100,000. The fine for each subsequent offense shall not be more than $200,000.

(c) A person who knowingly or intentionally violates Section 316, 317, 318, or 319 is guilty of a Class A misdemeanor.

(Source: P.A. 91-576, eff. 4-1-00.)

(720 ILCS 570/406.2 new)

Sec. 406.2. Unauthorized possession of prescription form.

(a) A person commits the offense of unauthorized possession of prescription form when he or she knowingly:

(1) alters a properly issued prescription form;

(2) possesses without authorization a blank prescription form or counterfeit prescription form; or

(3) possesses a prescription form not issued by a licensed prescriber.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding possession of a blank prescription or possession of a prescription altered or not issued by a licensed prescriber.

(c) Sentence. Any person who violates subsection (a) is guilty of a Class 4 felony for the first offense and a Class 3 felony for each subsequent offense. The fine for the first offense shall be not more than $100,000. The fine for each subsequent offense shall not be more than $200,000.

(d) For the purposes of this Section, "licensed prescriber" means a prescriber as defined in this Act or an optometrist licensed under the Illinois Optometric Practice Act of 1987.

(720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

Sec. 410. (a) Whenever any person who has not previously been convicted of, or placed on probation or court supervision for any offense under this Act or any law of the United States or of any State relating to cannabis or controlled substances, pleads guilty to or is found guilty of possession of a controlled or counterfeit substance under subsection (c) of Section 402 or of unauthorized possession of prescription form under Section 406.2, the court, without entering a judgment and with the consent of such person, may sentence him to probation.

(b) When a person is placed on probation, the court shall enter an order specifying a period of probation of 24 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation.

(c) The conditions of probation shall be that the person: (1) not violate any criminal statute of any jurisdiction; (2) refrain from possessing a firearm or other dangerous weapon; (3) submit to periodic drug testing at a time and in a manner as ordered by the court, but no less than 3 times during the period of the probation, with the cost of the testing to be paid by the probationer; and (4) perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved by the county board.

(d) The court may, in addition to other conditions, require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of probation;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical or psychiatric treatment; or treatment or rehabilitation approved by the Illinois Department of Human Services;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his dependents;

(6-5) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(7) and in addition, if a minor:

(i) reside with his parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth;

(iv) contribute to his own support at home or in a foster home.

(e) Upon violation of a term or condition of probation, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided.

(f) Upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings against him.

(g) A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation and for appeal, however, discharge and dismissal under this Section is not a conviction for purposes of this Act or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(h) There may be only one discharge and dismissal under this Section, Section 10 of the Cannabis Control Act, or Section 70 of the Methamphetamine Control and Community Protection Act with respect to any person.

(i) If a person is convicted of an offense under this Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as evidence in aggravation.

(Source: P.A. 94-556, eff. 9-11-05.)".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 1245. Having been recalled on May 24, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Ryg offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 1245 as follows:

on page 1, lines 11 and 12, by replacing ", including unannounced visits," with "that shall occur at least annually"; and

on page 2, by replacing lines 13 through 19 with "potential uses of electronic monitoring and recording for the purpose of preventing and identifying abuse and neglect within State-operated developmental centers and developmental disabilities services programs funded, certified, or licensed by the Department of Human Services but not those centers or programs licensed by another State agency, and shall report to the General Assembly on or before January 1, 2008, with recommendations on the feasibility of increasing utilization of electronic monitoring and recording for purposes of preventing and identifying abuse and neglect.".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

RECALL

At the request of the principal sponsor, Representative Munson, SENATE BILL 1487 was recalled from the order of Third Reading to the order of Second Reading.

SENATE BILLS ON SECOND READING

SENATE BILL 1487. Having been recalled on May 25, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Munson offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 1487 by replacing everything after the enacting clause

with the following:

"Section 1. Short title. This Act may be cited as the Identity Protection Act.

Section 5. Definitions. In this Act:

"Local government agency" means that term as it is defined in Section 1-8 of the Illinois State Auditing Act.

"Person" means any individual in the employ of a State agency or local government agency.

"Publicly post" or "publicly display" means to intentionally communicate or otherwise intentionally make available to the general public.

"State agency" means that term as it is defined in Section 1-7 of the Illinois State Auditing Act.

Section 10. Prohibited activities.

(a) Except as otherwise provided in this Act, beginning July 1, 2009, no person or State or local government agency may do any of the following:

(1) Publicly post or publicly display in any manner an individual's social security number.

(2) Print an individual's social security number on any card required for the individual to access products or services provided by the person or entity; however, a person or entity that provides an insurance card must print on the card an identification number unique to the holder of the card in the format prescribed by Section 15 of the Uniform Prescription Drug Information Card Act.

(3) Require an individual to transmit his or her social security number over the Internet, unless the connection is secure or the social security number is encrypted.

(4) Require an individual to use his or her social security number to access an Internet web site, unless a password or unique personal identification number or other authentication device is also required to access the Internet web site.

(5) Print an individual's social security number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless State or federal law requires the social security number to be on the document to be mailed. Notwithstanding any provision in this Section to the contrary, social security numbers may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the social security number. A social security number that may permissibly be mailed under this Section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope or visible without the envelope having been opened.

(6) Collect a social security number from an individual, unless required to do so under State or federal law, rules, or regulations, unless the collection of the social security number is otherwise necessary for the performance of that agency's duties and responsibilities. Social security numbers collected by a State or local government agency must be relevant to the purpose for which the number was collected and must not be collected unless and until the need for social security numbers for that purpose has been clearly documented.

(7) When requesting a social security number from an individual or when filing a document with the clerk of the circuit court or with the recorder of deeds that has been generated by a person or agency and on which the person or agency has requested a social security number, fail to segregate the social security number on a separate page from the rest of the record, provide a discrete location for a social security number when required on a standardized form, or otherwise place the number in a manner that makes it easily redacted if required to be released as part of a public records request.

(8) When collecting a social security number from an individual, fail to provide to the individual, at the time of or prior to the actual collection of the social security number by that agency, upon request by the individual, a statement of the purpose or purposes for which the agency is collecting and using the social security number.

(9) Use the social security number for any purpose other than the purpose stated in the statement provided under item (8).

(10) Intentionally communicate or otherwise make available to the general public a person's social security number or other identifying information.

(b) The prohibitions in subsection (a) do not apply in the following circumstances:

(1) The disclosure of social security numbers or other identifying information

disclosed to agents, employees, or contractors of a governmental entity or disclosed by a governmental entity to another governmental entity or its agents, employees, or contractors if disclosure is necessary in order for the entity to perform its duties and responsibilities and if the governmental entity and its agents, employees, and contractors maintain the confidential and exempt status of the social security numbers or other identifying information.

(2) The disclosure of social security numbers or other identifying information disclosed pursuant to a court order, warrant, or subpoena.

(3) The collection, use, or disclosure of social security numbers or other identifying information in order to ensure the safety of: State and local government employees; persons committed to correctional facilities, local jails, and other law-enforcement facilities or retention centers; wards of the State; and all persons working in or visiting a State or local government agency facility.

(4) The disclosure of social security numbers by a State agency to any entity for the collection of delinquent child support or of any State debt.

(5) The collection, use, or disclosure of social security numbers or other identifying information to investigate or prevent fraud, to conduct background checks, to conduct social or scientific research, to collect a debt, to obtain a credit report from or furnish data to a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit, such as a pension benefit or an unclaimed-property benefit.

(c) If any State agency or local government agency has adopted standards for the collection, use, or disclosure of social security numbers or other identifying information that are stricter than the standards under this Act with respect to the protection of that identifying information, then, in the event of any conflict with the provisions of this Act, the stricter standards adopted by the State agency or local government agency shall control.

Section 15. Public inspection and copying of information and documents. Notwithstanding any other provision of this Act to the contrary, a person or State or local government agency must comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's social security number or other identifying information.

Section 20. Applicability.

(a) This Act does not apply to the collection, use, or release of a social security number or other identifying information, as required by State or federal law, rule, or regulation, or the use of a social security number or other identifying information for internal verification or administrative purposes.

(b) This Act does not apply to documents that are recorded or required to be open to the public under any State or federal law, rule, or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois.

(c) This Act does not apply to the City of Chicago.

Section 25. Compliance with federal law.

If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, any State or local government agency that complies with the federal law shall be deemed to be in compliance with this Act.

Section 30. Embedded social security numbers.

Beginning December 31, 2008, no person or State or local government agency may encode or embed a social security number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the social security number as required by this Act.

Section 35. Identity-protection policy. Each State agency and local government agency must establish an identity-protection policy and must implement that policy on or before December 31, 2008. The policy must do all of the following:

(1) Require all employees of the State or local government agency to be trained to protect the confidentiality of social security numbers and to understand the requirements of this Section.

(2) Prohibit the unlawful disclosure of social security numbers.

(3) Limit the number of employees who have access to information or documents that contain social security numbers.

(4) Describe how to properly dispose of information and documents that contain social security numbers.

(5) Establish penalties for violation of the privacy policy.

(6) Prevent the intentional communication of or ability of the general public to access an individual's social security number.

Each State agency must file a written copy of its privacy policy with the Clerk of the House of Representatives and the Secretary of the Senate. Each local government agency must file a written copy of its privacy policy with the governing board of the unit of local government. Each State or local government agency must also provide a written copy of the policy to each of its employees, and must also make its privacy policy available to any member of the public, upon request. If a State or local government agency amends its privacy policy, then that agency must file a written copy of the amended policy with the appropriate entity and must also provide each of its employees with a new written copy of the amended policy.

Section 40. Judicial branch and clerks of courts. The judicial branch and clerks of the circuit court are not subject to the provisions of this Act, except that the Supreme Court shall, under its rulemaking authority or by administrative order, adopt requirements applicable to the judicial branch, including clerks of the circuit court, regulating the disclosure of social security numbers consistent with the intent of this Act and the unique circumstances relevant in the judicial process.

Section 45. Violation. Any person who intentionally violates this Act is guilty of a Class B misdemeanor.

Section 50. Home rule. A home rule unit may not regulate the use of social security numbers in a manner that is inconsistent with this Act. This Act is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 55. This Act does not supersede any more restrictive law, rule, or regulation regarding the collection, use, or release of social security numbers.

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was again advanced to the order of Third Reading.

SENATE BILL 8. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 8 on page 1, by replacing lines 14 and 15 with the following:

"each applicant who qualifies under this Act. An individual may receive a grant under this Act each year for up to 4 years. The amount of this grant may not exceed $5,000 per recipient per year. The Commission"; and

on page 2, by replacing lines 18 through 21 with the following:

"(c) For each year during which an individual receives a grant under this program, he or she must fulfill a separate 12-month period as a registered professional nurse or licensed practical nurse in a State veterans' home."; and

by deleting all of pages 5 through 7 and lines 1 through 6 on page 8.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 82, 115, 137 and 143.

Having been read by title a second time on May 24, 2007 and held, the following bill was taken up and advanced to the order of Third Reading: SENATE BILL 627.

SENATE BILL 680. Having been reproduced, was taken up and read by title a second time.

Representative Osmond offered the following amendment and moved its adoption:

AMENDMENT NO. 1 . Amend Senate Bill 680 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 16-107.5 as follows:

(220 ILCS 5/16-107.5 new)

Sec. 16-107.5. Net electricity metering.

(a) The Legislature finds and declares that a program to provide net electricity metering, as defined in this Section, for eligible customers can encourage private investment in renewable energy resources, stimulate economic growth, enhance the continued diversification of Illinois' energy resource mix, and protect the Illinois environment.

(b) As used in this Section, (i) "eligible customer" means a retail customer that owns or operates a solar, wind, or other eligible renewable electrical generating facility with a rated capacity of not more than 2,000 kilowatts that is located on the customer's premises and is intended primarily to offset the customer's own electrical requirements; (ii) "electricity provider" means an electric utility or alternative retail electric supplier; (iii) "eligible renewable electrical generating facility" means a generator powered by solar electric energy, wind, dedicated crops grown for electricity generation, anaerobic digestion of livestock or food processing waste, fuel cells or microturbines powered by renewable fuels, or hydroelectric energy; and (iv) "net electricity metering" (or "net metering") means the measurement, during the billing period applicable to an eligible customer, of the net amount of electricity supplied by an electricity provider to the customer's premises or provided to the electricity provider by the customer.

(c) A net metering facility shall be equipped with metering equipment that can measure the flow of electricity in both directions at the same rate. For eligible residential customers, this shall typically be accomplished through use of a single, bi-directional meter. If the eligible customer's existing electric revenue meter does not meet this requirement, the electricity provider shall arrange for the local electric utility or a meter service provider to install and maintain a new revenue meter at the electricity provider's expense. For non-residential customers, the electricity provider may arrange for the local electric utility or a meter service provider to install and maintain metering equipment capable of measuring the flow of electricity both into and out of the customer's facility at the same rate and ratio, typically through the use of a dual channel meter. For generators with a nameplate rating of 40 kilowatts and below, the costs of installing such equipment shall be paid for by the electricity provider. For generators with a nameplate rating over 40 kilowatts and up to 2,000 kilowatts capacity, the costs of installing such equipment shall be paid for by the customer. Any subsequent revenue meter change necessitated by any eligible customer shall be paid for by the customer.

(d) An electricity provider shall measure and charge or credit for the net electricity supplied to eligible customers or provided by eligible customers in the following manner:

(1) If the amount of electricity used by the customer during the billing period exceeds the amount of electricity produced by the customer, the electricity provider shall charge the customer for the net electricity supplied to and used by the customer as provided in subsection (e) of this Section.

(2) If the amount of electricity produced by a customer during the billing period exceeds the amount of electricity used by the customer during that billing period, the electricity provider supplying that customer shall apply a 1:1 kilowatt-hour credit to a subsequent bill for service to the customer for the net electricity supplied to the electricity provider. The electricity provider shall continue to carry over any excess kilowatt-hour credits earned and apply those credits to subsequent billing periods to offset any customer-generator consumption in those billing periods until all credits are used or until the end of the annualized period.

(3) At the end of the year or annualized over the period that service is supplied by means of net metering, or in the event that the retail customer terminates service with the electricity provider prior to the end of the year or the annualized period, any remaining credits in the customer's account shall expire.

(e) An electricity provider shall provide to net metering customers electric service at non-discriminatory rates that are identical, with respect to rate structure, retail rate components, and any monthly charges, to

the rates that the customer would be charged if not a net metering customer. An electricity provider shall not charge net metering customers any fee or charge or require additional equipment, insurance, or any other requirements not specifically authorized by interconnection standards authorized by the Commission, unless the fee, charge, or other requirement would apply to other similarly situated customers who are not net metering customers. The customer will remain responsible for all taxes, fees, and utility delivery charges that would otherwise be applicable to the net amount of electricity used by the customer. Subsections (c) through (e) of this Section shall not be construed to prevent an arms-length agreement between an electricity provider and an eligible customer that sets forth different prices, terms, and conditions for the provision of net metering service, including, but not limited to, the provision of the appropriate metering equipment for non-residential customers.

(f) Notwithstanding the requirements of subsections (c) through (e) of this Section, an electricity provider must require dual-channel metering for non-residential customers operating eligible renewable electrical generating facilities with a nameplate rating over 40 kilowatts and up to 2,000 kilowatts. In such cases, electricity charges and credits shall be determined as follows:

(1) The electricity provider shall assess and the customer remains responsible for all taxes, fees, and utility delivery charges that would otherwise be applicable to the gross amount of kilowatt-hours supplied to the eligible customer by the electricity provider.

(2) Each month that service is supplied by means of dual-channel metering, the electricity provider shall compensate the eligible customer for any excess kilowatt-hour credits at the electricity provider's avoided cost of electricity supply over the monthly period or as otherwise specified by the terms of a power-purchase agreement negotiated between the customer and electricity provider.

(3) For all eligible net-metering customers taking service from an electricity provider under contracts or tariffs employing time of use rates, any monthly consumption of electricity shall be calculated according to the terms of the contract or tariff to which the same customer would be assigned to or be eligible for if the customer was not a net-metering customer. When those same customer-generators are net generators during any discrete time of use period, the net kilowatt-hours produced shall be valued at the same price per kilowatt-hour as the electric service provider would charge for retail kilowatt-hour sales during that same time of use period.

(g) For purposes of federal and State laws providing renewable energy credits or greenhouse gas credits, the eligible customer shall be treated as owning and having title to the renewable energy attributes, renewable energy credits, and greenhouse gas emission credits related to any electricity produced by the qualified generating unit. The electricity provider may not condition participation in a net-metering program on the signing over of a customer's renewable energy credits; provided, however, this subsection (g) shall not be construed to prevent an arms-length agreement between an electricity provider and an eligible customer that sets forth the ownership or title of the credits.

(h) Within 120 days after the effective date of this amendatory Act of the 95th General Assembly, the Commission shall establish standards for net metering and, if the Commission has not already acted on its own initiative, standards for the interconnection of eligible renewable generating equipment to the utility system. The interconnection standards shall address any procedural barriers, delays, and administrative costs associated with the interconnection of customer-generation while ensuring the safety and reliability of the units and the electric utility system. The Commission shall consider the Institute of Electrical and Electronics Engineers (IEEE) Standard 1547 and the issues of (i) reasonable and fair fees and costs, (ii) clear timelines for major milestones in the interconnection process, (iii) nondiscriminatory terms of agreement, and (iv) any best practices for interconnection of distributed generation.

(i) All electricity providers shall begin to offer net metering no later than April 1, 2008.

(j) An electricity provider shall provide net metering to eligible customers until the load of its net metering customers equals 1% of the total peak demand supplied by that electricity provider during the previous year. Electricity providers are authorized to offer net metering beyond the 1% level if they so choose. The number of new eligible customers with generators that have a nameplate rating of 40 kilowatts and below will be limited to 200 total new billing accounts for the utilities (Ameren Companies, ComEd, and MidAmerican) for the period of April 1, 2008 through March 31, 2009.

(k) Each electricity provider shall maintain records and report annually to the Commission the total number of net metering customers served by the provider, as well as the type, capacity, and energy sources of the generating systems used by the net metering customers. Nothing in this Section shall limit the ability of an electricity provider to request the redaction of information deemed by the Commission to be confidential business information. Each electricity provider shall notify the Commission when the total generating capacity of its net metering customers is equal to or in excess of the 1% cap specified in

subsection (j) of this Section.

(l) Notwithstanding the definition of "eligible customer" in item (i) of subsection (b) of this Section, each electricity provider shall consider whether to allow meter aggregation for the purposes of net metering on:

(1) properties owned or leased by multiple customers that contribute to the operation of an eligible renewable electrical generating facility, such as a community-owned wind project or a community methane digester processing livestock waste from multiple sources; and

(2) individual units, apartments, or properties owned or leased by multiple customers and collectively served by a common eligible renewable electrical generating facility, such as an apartment building served by photovoltaic panels on the roof.

For the purposes of this subsection (l), "meter aggregation" means the combination of reading and billing on a pro rata basis for the types of eligible customers described in this Section.

(m) Nothing in this Section shall affect the right of an electricity provider to continue to provide, or the right of a retail customer to continue to receive service pursuant to a contract for electric service between the electricity provider and the retail customer in accordance with the prices, terms, and conditions provided for in that contract. Either the electricity provider or the customer may require compliance with the prices, terms, and conditions of the contract.

Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 360 and 573.

SENATE BILL 853. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Elementary & Secondary Education, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 853 on page 2, line 23, after "photograph", by inserting "or other acceptable identification as may be allowed by law or as regulated by the Illinois Community College Board".

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 1169. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 1169 by replacing everything after the enacting clause with the following:

"Section 5. The Deposit of State Moneys Act is amended by reenacting and changing Section 22.5 as follows:

(15 ILCS 520/22.5) (from Ch. 130, par. 41a)

(For force and effect of certain provisions, see Section 90 of P.A. 94-79)

Sec. 22.5. Permitted investments. The State Treasurer may, with the approval of the Governor, invest and reinvest any State money in the treasury which is not needed for current expenditures due or about to become due, in obligations of the United States government or its agencies or of National Mortgage Associations established by or under the National Housing Act, 1201 U.S.C. 1701 et seq., or in mortgage participation certificates representing undivided interests in specified, first-lien conventional residential Illinois mortgages that are underwritten, insured, guaranteed, or purchased by the Federal Home Loan Mortgage Corporation or in Affordable Housing Program Trust Fund Bonds or Notes as defined in and issued pursuant to the Illinois Housing Development Act. All such obligations shall be considered as cash

and may be delivered over as cash by a State Treasurer to his successor.

The State Treasurer may, with the approval of the Governor, purchase any state bonds with any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on the bonds. The bonds shall be considered as cash and may be delivered over as cash by the State Treasurer to his successor.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the treasury that is not needed for current expenditure due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and the interest on any State bonds, in shares, withdrawable accounts, and investment certificates of savings and building and loan associations, incorporated under the laws of this State or any other state or under the laws of the United States; provided, however, that investments may be made only in those savings and loan or building and loan associations the shares and withdrawable accounts or other forms of investment securities of which are insured by the Federal Deposit Insurance Corporation.

The State Treasurer may not invest State money in any savings and loan or building and loan association unless a commitment by the savings and loan (or building and loan) association, executed by the president or chief executive officer of that association, is submitted in the following form:

The ..... Savings and Loan (or Building and Loan) Association pledges not to reject arbitrarily mortgage loans for residential properties within any specific part of the community served by the savings and loan (or building and loan) association because of the location of the property. The savings and loan (or building and loan) association also pledges to make loans available on low and moderate income residential property throughout the community within the limits of its legal restrictions and prudent financial practices.

The State Treasurer may, with the approval of the Governor, invest or reinvest, at a price not to exceed par, any State money in the treasury that is not needed for current expenditures due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on any State bonds, in bonds issued by counties or municipal corporations of the State of Illinois.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the Treasury which is not needed for current expenditure, due or about to become due, or any money in the State Treasury which has been set aside and held for the payment of the principal of and the interest on any State bonds, in participations in loans, the principal of which participation is fully guaranteed by an agency or instrumentality of the United States government; provided, however, that such loan participations are represented by certificates issued only by banks which are incorporated under the laws of this State or any other state or under the laws of the United States, and such banks, but not the loan participation certificates, are insured by the Federal Deposit Insurance Corporation.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the Treasury that is not needed for current expenditure, due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and the interest on any State bonds, in any of the following:

(1) Bonds, notes, certificates of indebtedness, Treasury bills, or other securities now or hereafter issued that are guaranteed by the full faith and credit of the United States of America as to principal and interest.

(2) Bonds, notes, debentures, or other similar obligations of the United States of America, its agencies, and instrumentalities.

(2.5) Bonds, notes, debentures, or other similar obligations of a foreign government, other than the Republic of the Sudan, that are guaranteed by the full faith and credit of that government as to principal and interest, but only if the foreign government has not defaulted and has met its payment obligations in a timely manner on all similar obligations for a period of at least 25 years immediately before the time of acquiring those obligations.

(3) Interest-bearing savings accounts, interest-bearing certificates of deposit, interest-bearing time deposits, or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act.

(4) Interest-bearing accounts, certificates of deposit, or any other investments constituting direct obligations of any savings and loan associations incorporated under the laws of this State or any other state or under the laws of the United States.

(5) Dividend-bearing share accounts, share certificate accounts, or class of share accounts of a credit union chartered under the laws of this State or the laws of the United States; provided, however, the principal office of the credit union must be located within the State of Illinois.

(6) Bankers' acceptances of banks whose senior obligations are rated in the top 2 rating categories by 2 national rating agencies and maintain that rating during the term of the investment.

(7) Short-term obligations of corporations organized in the United States with assets exceeding $500,000,000 if (i) the obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating services and mature not later than 180 days from the date of purchase, (ii) the purchases do not exceed 10% of the corporation's outstanding obligations, (iii) no more than one-third of the public agency's funds are invested in short-term obligations of corporations, and (iv) the corporation has not been identified as a forbidden entity, as that term is defined in Section 1-110.6 of the Illinois Pension Code, by an independent researching firm that specializes in global security risk that has been engaged by the State Treasurer ~~is not a forbidden entity, as defined in Section 22.6 of the Deposit of State Moneys Act~~.

(8) Money market mutual funds registered under the Investment Company Act of 1940, provided that the portfolio of the money market mutual fund is limited to obligations described in this Section and to agreements to repurchase such obligations.

(9) The Public Treasurers' Investment Pool created under Section 17 of the State Treasurer Act or in a fund managed, operated, and administered by a bank.

(10) Repurchase agreements of government securities having the meaning set out in the Government Securities Act of 1986 subject to the provisions of that Act and the regulations issued thereunder.

(11) Investments made in accordance with the Technology Development Act.

For purposes of this Section, "agencies" of the United States Government includes:

(i) the federal land banks, federal intermediate credit banks, banks for cooperatives, federal farm credit banks, or any other entity authorized to issue debt obligations under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and Acts amendatory thereto;

(ii) the federal home loan banks and the federal home loan mortgage corporation;

(iii) the Commodity Credit Corporation; and

(iv) any other agency created by Act of Congress.

The Treasurer may, with the approval of the Governor, lend any securities acquired under this Act. However, securities may be lent under this Section only in accordance with Federal Financial Institution Examination Council guidelines and only if the securities are collateralized at a level sufficient to assure the safety of the securities, taking into account market value fluctuation. The securities may be collateralized by cash or collateral acceptable under Sections 11 and 11.1.

(Source: P.A. 94-79, eff. 1-27-06; for force and effect of certain provisions, see Section 90 of P.A. 94-79.)

Section 10. The State Treasurer Act is amended by changing Section 16.5 as follows:

(15 ILCS 505/16.5)

Sec. 16.5. College Savings Pool. The State Treasurer may establish and administer a College Savings Pool to supplement and enhance the investment opportunities otherwise available to persons seeking to finance the costs of higher education. The State Treasurer, in administering the College Savings Pool, may receive moneys paid into the pool by a participant and may serve as the fiscal agent of that participant for the purpose of holding and investing those moneys.

"Participant", as used in this Section, means any person who makes investments in the pool. "Designated beneficiary", as used in this Section, means any person on whose behalf an account is established in the College Savings Pool by a participant. Both in-state and out-of-state persons may be participants and designated beneficiaries in the College Savings Pool.

New accounts in the College Savings Pool shall be processed through participating financial institutions. "Participating financial institution", as used in this Section, means any financial institution insured by the Federal Deposit Insurance Corporation and lawfully doing business in the State of Illinois and any credit union approved by the State Treasurer and lawfully doing business in the State of Illinois that agrees to process new accounts in the College Savings Pool. Participating financial institutions may charge a processing fee to participants to open an account in the pool that shall not exceed $30 until the year 2001. Beginning in 2001 and every year thereafter, the maximum fee limit shall be adjusted by the Treasurer based on the Consumer Price Index for the North Central Region as published by the United States Department of Labor, Bureau of Labor Statistics for the immediately preceding calendar year. Every contribution received by a financial institution for investment in the College Savings Pool shall be transferred from the financial institution to a location selected by the State Treasurer within one business day following the day that the funds must be made available in accordance with federal law. All communications from the State Treasurer to participants shall reference the participating financial

institution at which the account was processed.

The Treasurer may invest the moneys in the College Savings Pool in the same manner, in the same types of investments~~, and subject to the same limitations~~ provided for the investment of moneys by the Illinois State Board of Investment. To enhance the safety and liquidity of the College Savings Pool, to ensure the diversification of the investment portfolio of the pool, and in an effort to keep investment dollars in the State of Illinois, the State Treasurer shall make a percentage of each account available for investment in participating financial institutions doing business in the State. The State Treasurer shall deposit with the participating financial institution at which the account was processed the following percentage of each account at a prevailing rate offered by the institution, provided that the deposit is federally insured or fully collateralized and the institution accepts the deposit: 10% of the total amount of each account for which the current age of the beneficiary is less than 7 years of age, 20% of the total amount of each account for which the beneficiary is at least 7 years of age and less than 12 years of age, and 50% of the total amount of each account for which the current age of the beneficiary is at least 12 years of age. The State Treasurer shall adjust each account at least annually to ensure compliance with this Section. The Treasurer shall develop, publish, and implement an investment policy covering the investment of the moneys in the College Savings Pool. The policy shall be published (i) at least once each year in at least one newspaper of general circulation in both Springfield and Chicago and (ii) each year as part of the audit of the College Savings Pool by the Auditor General, which shall be distributed to all participants. The Treasurer shall notify all participants in writing, and the Treasurer shall publish in a newspaper of general circulation in both Chicago and Springfield, any changes to the previously published investment policy at least 30 calendar days before implementing the policy. Any investment policy adopted by the Treasurer shall be reviewed and updated if necessary within 90 days following the date that the State Treasurer takes office.

Participants shall be required to use moneys distributed from the College Savings Pool for qualified expenses at eligible educational institutions. "Qualified expenses", as used in this Section, means the following: (i) tuition, fees, and the costs of books, supplies, and equipment required for enrollment or attendance at an eligible educational institution and (ii) certain room and board expenses incurred while attending an eligible educational institution at least half-time. "Eligible educational institutions", as used in this Section, means public and private colleges, junior colleges, graduate schools, and certain vocational institutions that are described in Section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088) and that are eligible to participate in Department of Education student aid programs. A student shall be considered to be enrolled at least half-time if the student is enrolled for at least half the full-time academic work load for the course of study the student is pursuing as determined under the standards of the institution at which the student is enrolled. Distributions made from the pool for qualified expenses shall be made directly to the eligible educational institution, directly to a vendor, or in the form of a check payable to both the beneficiary and the institution or vendor. Any moneys that are distributed in any other manner or that are used for expenses other than qualified expenses at an eligible educational institution shall be subject to a penalty of 10% of the earnings unless the beneficiary dies, becomes disabled, or receives a scholarship that equals or exceeds the distribution. Penalties shall be withheld at the time the distribution is made.

The Treasurer shall limit the contributions that may be made on behalf of a designated beneficiary based on an actuarial estimate of what is required to pay tuition, fees, and room and board for 5 undergraduate years at the highest cost eligible educational institution. The contributions made on behalf of a beneficiary who is also a beneficiary under the Illinois Prepaid Tuition Program shall be further restricted to ensure that the contributions in both programs combined do not exceed the limit established for the College Savings Pool. The Treasurer shall provide the Illinois Student Assistance Commission each year at a time designated by the Commission, an electronic report of all participant accounts in the Treasurer's College Savings Pool, listing total contributions and disbursements from each individual account during the previous calendar year. As soon thereafter as is possible following receipt of the Treasurer's report, the Illinois Student Assistance Commission shall, in turn, provide the Treasurer with an electronic report listing those College Savings Pool participants who also participate in the State's prepaid tuition program, administered by the Commission. The Commission shall be responsible for filing any combined tax reports regarding State qualified savings programs required by the United States Internal Revenue Service. The Treasurer shall work with the Illinois Student Assistance Commission to coordinate the marketing of the College Savings Pool and the Illinois Prepaid Tuition Program when considered beneficial by the Treasurer and the Director of the Illinois Student Assistance Commission. The Treasurer's office shall not publicize or otherwise market the College Savings Pool or accept any moneys into the College Savings Pool prior to March 1, 2000. The Treasurer shall provide a separate accounting for each designated beneficiary to each

participant, the Illinois Student Assistance Commission, and the participating financial institution at which the account was processed. No interest in the program may be pledged as security for a loan.

The assets of the College Savings Pool and its income and operation shall be exempt from all taxation by the State of Illinois and any of its subdivisions. The accrued earnings on investments in the Pool once disbursed on behalf of a designated beneficiary shall be similarly exempt from all taxation by the State of Illinois and its subdivisions, so long as they are used for qualified expenses. Contributions to a College Savings Pool account during the taxable year may be deducted from adjusted gross income as provided in Section 203 of the Illinois Income Tax Act. The provisions of this paragraph are exempt from Section 250 of the Illinois Income Tax Act.

The Treasurer shall adopt rules he or she considers necessary for the efficient administration of the College Savings Pool. The rules shall provide whatever additional parameters and restrictions are necessary to ensure that the College Savings Pool meets all of the requirements for a qualified state tuition program under Section 529 of the Internal Revenue Code (26 U.S.C. 529). The rules shall provide for the administration expenses of the pool to be paid from its earnings and for the investment earnings in excess of the expenses and all moneys collected as penalties to be credited or paid monthly to the several participants in the pool in a manner which equitably reflects the differing amounts of their respective investments in the pool and the differing periods of time for which those amounts were in the custody of the pool. Also, the rules shall require the maintenance of records that enable the Treasurer's office to produce a report for each account in the pool at least annually that documents the account balance and investment earnings. Notice of any proposed amendments to the rules and regulations shall be provided to all participants prior to adoption. Amendments to rules and regulations shall apply only to contributions made after the adoption of the amendment.

Upon creating the College Savings Pool, the State Treasurer shall give bond with 2 or more sufficient sureties, payable to and for the benefit of the participants in the College Savings Pool, in the penal sum of $1,000,000, conditioned upon the faithful discharge of his or her duties in relation to the College Savings Pool.

(Source: P.A. 92-16, eff. 6-28-01; 92-439, eff. 8-17-01; 92-626, eff. 7-11-02; 93-812, eff. 1-1-05.)

Section 15. The Illinois Pension Code is amended by adding Sections 1-110.6 and 1-110.10 as follows:

(40 ILCS 5/1-110.6 new)

Sec. 1-110.6. Transactions prohibited by retirement systems; Republic of the Sudan.

(a) The Government of the United States has determined that Sudan is a nation that sponsors terrorism and genocide. The General Assembly finds that acts of terrorism have caused injury and death to Illinois and United States residents who serve in the United States military, and pose a significant threat to safety and health in Illinois. The General Assembly finds that public employees and their families, including police officers and firefighters, are more likely than others to be affected by acts of terrorism. The General Assembly finds that Sudan continues to solicit investment and commercial activities by forbidden entities, including private market funds. The General Assembly finds that investments in forbidden entities are inherently and unduly risky, not in the interests of public pensioners and Illinois taxpayers, and against public policy. The General Assembly finds that Sudan's capacity to sponsor terrorism and genocide depends on or is supported by the activities of forbidden entities. The General Assembly further finds and re-affirms that the people of the State, acting through their representatives, do not want to be associated with forbidden entities, genocide, and terrorism.

(b) For purposes of this Section:

"Business operations" means maintaining, selling, or leasing equipment, facilities, personnel, or any other apparatus of business or commerce in the Republic of the Sudan, including the ownership or possession of real or personal property located in the Republic of the Sudan.

"Certifying company" means a company that (1) directly provides asset management services or advice to a retirement system or (2) as directly authorized or requested by a retirement system (A) identifies particular investment options for consideration or approval; (B) chooses particular investment options; or (C) allocates particular amounts to be invested. If no company meets the criteria set forth in this paragraph, then "certifying company" shall mean the retirement system officer who, as designated by the board, executes the investment decisions made by the board, or, in the alternative, the company that the board authorizes to complete the certification as the agent of that officer.

"Company" is any entity capable of affecting commerce, including but not limited to (i) a government, government agency, natural person, legal person, sole proprietorship, partnership, firm, corporation, subsidiary, affiliate, franchisor, franchisee, joint venture, trade association, financial institution, utility, public franchise, provider of financial services, trust, or enterprise; and (ii) any association thereof.

"Department" means the Public Pension Division of the Department of Financial and Professional Regulation.

"Forbidden entity" means any of the following:

(1) The government of the Republic of the Sudan and any of its agencies, including but not limited to political units and subdivisions;

(2) Any company that is wholly or partially managed or controlled by the government of the Republic of the Sudan and any of its agencies, including but not limited to political units and subdivisions;

(3) Any company (i) that is established or organized under the laws of the Republic of the Sudan or (ii) whose principal place of business is in the Republic of the Sudan;

(4) Any company (i) identified by the Office of Foreign Assets Control in the United States Department of the Treasury as sponsoring terrorist activities in the Republic of the Sudan; or (ii) fined, penalized, or sanctioned by the Office of Foreign Assets Control in the United States Department of the Treasury for any violation of any United States rules and restrictions relating to the Republic of the Sudan that occurred at any time following the effective date of this Act;

(5) Any publicly traded company that is individually identified by an independent researching firm that specializes in global security risk and that has been retained by a certifying company as provided in subsection (c) of this Section as being a company that owns or controls property or assets located in, has employees or facilities located in, provides goods or services to, obtains goods or services from, has distribution agreements with, issues credits or loans to, purchases bonds or commercial paper issued by, or invests in (A) the Republic of the Sudan; or (B) any company domiciled in the Republic of the Sudan; and

(6) Any private market fund that fails to satisfy the requirements set forth in subsections (d) and (e) of this Section.

Notwithstanding the foregoing, the term "forbidden entity" shall exclude (A) mutual funds that meet the requirements of item (iii) of paragraph (13) of Section 1-113.2 and (B) companies that transact business in the Republic of the Sudan under the law, license, or permit of the United States, including a license from the United States Department of the Treasury, and companies, except agencies of the Republic of the Sudan, who are certified as Non-Government Organizations by the United Nations, or who engage solely in (i) the provision of goods and services intended to relieve human suffering or to promote welfare, health, religious and spiritual activities, and education or humanitarian purposes; or (ii) journalistic activities.

"Private market fund" means any private equity fund, private equity fund of funds, venture capital fund, hedge fund, hedge fund of funds, real estate fund, or other investment vehicle that is not publicly traded.

"Republic of the Sudan" means those geographic areas of the Republic of Sudan that are subject to sanction or other restrictions placed on commercial activity imposed by the United States Government due to an executive or congressional declaration of genocide.

"Retirement system" means the State Employees' Retirement System of Illinois, the Judges Retirement System of Illinois, the General Assembly Retirement System, the State Universities Retirement System, and the Teachers' Retirement System of the State of Illinois.

(c) A retirement system shall not transfer or disburse funds to, deposit into, acquire any bonds or commercial paper from, or otherwise loan to or invest in any entity unless, as provided in this Section, a certifying company certifies to the retirement system that, (1) with respect to investments in a publicly traded company, the certifying company has relied on information provided by an independent researching firm that specializes in global security risk and (2) 100% of the retirement system's assets for which the certifying company provides services or advice are not and have not been invested or reinvested in any forbidden entity at any time after 4 months after the effective date of this Section.

The certifying company shall make the certification required under this subsection (c) to a retirement system 6 months after the effective date of this Section and annually thereafter. A retirement system shall submit the certifications to the Department, and the Department shall notify the Secretary of Financial and Professional Regulation if a retirement system fails to do so.

(d) With respect to a commitment or investment made pursuant to a written agreement executed prior to the effective date of this Section, each private market fund shall submit to the appropriate certifying company, at no additional cost to the retirement system:

(1) an affidavit sworn under oath in which an expressly authorized officer of the private market fund avers that the private market fund (A) does not own or control any property or asset located in the Republic of the Sudan and (B) does not conduct business operations in the Republic of the Sudan; or

(2) a certificate in which an expressly authorized officer of the private market fund certifies that the private market fund, based on reasonable due diligence, has determined that, other than direct or indirect investments in companies certified as Non-Government Organizations by the United Nations, the private

market fund has no direct or indirect investment in any company (A) organized under the laws of the Republic of the Sudan; (B) whose principal place of business is in the Republic of the Sudan; or (C) that conducts business operations in the Republic of the Sudan. Such certificate shall be based upon the periodic reports received by the private market fund, and the private market fund shall agree that the certifying company, directly or through an agent, or the retirement system, as the case may be, may from time to time review the private market fund's certification process.

(e) With respect to a commitment or investment made pursuant to a written agreement executed after the effective date of this Section, each private market fund shall, at no additional cost to the retirement system:

(1) submit to the appropriate certifying company an affidavit or certificate consistent with the requirements pursuant to subsection (d) of this Section; or

(2) enter into an enforceable written agreement with the retirement system that provides for remedies consistent with those set forth in subsection (g) of this Section if any of the assets of the retirement system shall be transferred, loaned, or otherwise invested in any company that directly or indirectly (A) has facilities or employees in the Republic of the Sudan or (B) conducts business operations in the Republic of the Sudan.

(f) In addition to any other penalties and remedies available under the law of Illinois and the United States, any transaction, other than a transaction with a private market fund that is governed by subsections (g) and (h) of this Section, that violates the provisions of this Act shall be against public policy and voidable, at the sole discretion of the retirement system.

(g) If a private market fund fails to provide the affidavit or certification required in subsections (d) and (e) of this Section, then the retirement system shall, within 90 days, divest, or attempt in good faith to divest, the retirement system's interest in the private market fund, provided that the Board of the retirement system confirms through resolution that the divestment does not have a material and adverse impact on the retirement system. The retirement system shall immediately notify the Department, and the Department shall notify all other retirement systems, as soon as practicable, by posting the name of the private market fund on the Department's Internet website or through e-mail communications. No other retirement system may enter into any agreement under which the retirement system directly or indirectly invests in the private market fund unless the private market fund provides that retirement system with the affidavit or certification required in subsections (d) and (e) of this Section and complies with all other provisions of this Section.

(h) If a private market fund fails to fulfill its obligations under any agreement provided for in paragraph (2) of subsection (e) of this Section, the retirement system shall immediately take legal and other action to obtain satisfaction through all remedies and penalties available under the law and the agreement itself. The retirement system shall immediately notify the Department, and the Department shall notify all other retirement systems, as soon as practicable, by posting the name of the private market fund on the Department's Internet website or through e-mail communications, and no other retirement system may enter into any agreement under which the retirement system directly or indirectly invests in the private market fund.

(i) This Section shall have full force and effect during any period in which the Republic of the Sudan, or the officials of the government of that Republic, are subject to sanctions authorized under any statute or executive order of the United States or until such time as the State Department of the United States confirms in the federal register or through other means that the Republic of the Sudan is no longer subject to sanctions by the government of the United States.

(j) If any provision of this Section or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Section that can be given effect without the invalid provision or application.

(40 ILCS 5/1-110.10 new)

Sec. 1-110.10. Servicer certification.

(a) For the purposes of this Section:

"Illinois finance entity" means any entity chartered under the Illinois Banking Act, the Savings Bank Act, the Illinois Credit Union Act, or the Illinois Savings and Loan Act of 1985 and any person or entity licensed under the Residential Mortgage License Act of 1987, the Consumer Installment Loan Act, or the Sales Finance Agency Act.

"Retirement system or pension fund" means a retirement system or pension fund established under this Code.

(b) In order for an Illinois finance entity to be eligible for investment or deposit of retirement system or pension fund assets, the Illinois finance entity must annually certify that it complies with the requirements

of the High Risk Home Loan Act and the rules adopted pursuant to that Act that are applicable to that Illinois finance entity. For Illinois finance entities with whom the retirement system or pension fund is investing or depositing assets on the effective date of this Section, the initial certification required under this Section shall be completed within 6 months after the effective date of this Section. For Illinois finance entities with whom the retirement system or pension fund is not investing or depositing assets on the effective date of this Section, the initial certification required under this Section must be completed before the retirement system or pension fund may invest or deposit assets with the Illinois finance entity.

(c) A retirement system or pension fund shall submit the certifications to the Public Pension Division of the Department of Financial and Professional Regulation, and the Division shall notify the Secretary of Financial and Professional Regulation if a retirement system or pension fund fails to do so.

(d) If an Illinois finance entity fails to provide an initial certification within 6 months after the effective date of this Section or fails to submit an annual certification, then the retirement system or pension fund shall notify the Illinois finance entity. The Illinois finance entity shall, within 30 days after the date of notification, either (i) notify the retirement system or pension fund of its intention to certify and complete certification or (ii) notify the retirement system or pension fund of its intention to not complete certification. If an Illinois finance entity fails to provide certification, then the retirement system or pension fund shall, within 90 days, divest, or attempt in good faith to divest, the retirement system's or pension fund's assets with that Illinois finance entity. The retirement system or pension fund shall immediately notify the Department of the Illinois finance entity's failure to provide certification.

(e) If any provision of this Section or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Section that can be given effect without the invalid provision or application.

(15 ILCS 520/22.6 rep.)

Section 90. The Deposit of State Moneys Act is amended by repealing Section 22.6.

(40 ILCS 5/1-110.5 rep.)

Section 95. The Illinois Pension Code is amended by repealing Section 1-110.5.

Section 96. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 97. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application.

Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 1005 and 1243.

SENATE BILL 1261. Having been reproduced, was taken up and read by title a second time.

Representative Mautino offered and withdrew Amendment No. 1.

Representative Mautino offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend Senate Bill 1261 on page 1, line 12, after "bond.", by inserting "If such a suit is brought in the circuit court and, based on preliminary evidence, the court determines that it is necessary that a temporary county collector be appointed, then the county board may, subject to the consent of the court, appoint an interim county collector to serve for the duration of the suit.".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 1265, 1428 and 1729.

SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Ryg, SENATE BILL 765 was taken up and read by title a third time.
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:
115, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 16)
This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.
Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

SENATE BILLS ON SECOND READING

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 266 and 521.

SUSPEND POSTING REQUIREMENTS

Pursuant to the motion submitted previously, Representative Flowers moved to suspend the posting requirements in Rule 25 in relation to House Bill 311.
The motion prevailed.

ADJOURNMENT RESOLUTION
HOUSE JOINT RESOLUTION 68

Representative Currie offered the following resolution:

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Friday, May 25, 2007, the House of Representatives stands adjourned until Monday, May 28, 2007 at 3:00 o'clock p.m.; and the Senate stands adjourned until Monday, May 28, 2007, at 4:00 o'clock p.m.

HOUSE JOINT RESOLUTION 68 was taken up for immediate consideration.
Representative Currie moved the adoption of the resolution.
The motion prevailed and the resolution was adopted.
Ordered that the Clerk inform the Senate and ask their concurrence.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 464, 465, 466, 468, 469 and 470 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

At the hour of 12:39 o'clock p.m., Representative Currie moved that the House do now adjourn.

The motion prevailed.

And in accordance therewith and pursuant to HOUSE JOINT RESOLUTION 68, the House stood adjourned until Monday, May 28, 2007, at 3:00 o'clock p.m., allowing perfunctory time for the Clerk.

NO. 1

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

May 25, 2007

0 YEAS 0 NAYS 116 PRESENT

P Acevedo	P Dugan	P Krause	P Reboletti
P Arroyo	P Dunkin	P Lang	P Reis
P Bassi	P Dunn	P Leitch	P Reitz
P Beaubien	P Durkin	P Lindner	P Riley
P Beiser	P Eddy	P Lyons	P Rita
P Bellock	P Feigenholtz	P Mathias	P Rose
P Berrios	P Flider	P Mautino	P Ryg
P Biggins	P Flowers	P May	P Sacia
P Black	P Ford	P McAuliffe	P Saviano
P Boland	P Fortner	P McCarthy	P Schmitz
P Bost	P Franks	P McGuire	P Schock
P Bradley, John	P Fritchey	P Mendoza	P Scully
P Bradley, Richard	P Froehlich	P Meyer	P Smith
P Brady	P Golar	P Miller	P Sommer
P Brauer	P Gordon	P Mitchell, Bill	P Soto (ADDED)
P Brosnahan	E Graham	P Mitchell, Jerry	P Stephens
P Burke	P Granberg	P Moffitt	P Sullivan
P Chapa LaVia	P Hamos	P Molaro	P Tracy
P Coladipietro	P Hannig	P Mulligan	P Tryon
P Cole	P Harris	P Munson	P Turner
P Collins	P Hassert	P Myers	P Verschoore
P Colvin	P Hernandez	P Nekritz	P Wait
P Coulson	P Hoffman	P Osmond	P Washington
P Crespo	P Holbrook	P Osterman	P Watson
P Cross	P Howard	E Patterson	P Winters
P Cultra	P Jakobsson	P Phelps	P Yarbrough
P Currie	P Jefferies	P Pihos	P Younge
P D'Amico	P Jefferson	P Poe	P Mr. Speaker
P Davis, Monique	P Joyce	P Pritchard	
P Davis, William	P Kosel	P Ramey	

E - Denotes Excused Absence

NO. 2

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 126
EPA-POLLUTION CONTROL FACILITY
THIRD READING
FAILED

May 25, 2007

36 YEAS 78 NAYS 1 PRESENT

Y Acevedo	N Dugan	N Krause	N Reboletti
N Arroyo	Y Dunkin	Y Lang	N Reis
N Bassi	N Dunn	N Leitch	N Reitz
N Beaubien	N Durkin	N Lindner	Y Riley
N Beiser	N Eddy	Y Lyons	N Rita
N Bellock	Y Feigenholtz	N Mathias	N Rose
N Berrios	N Flider	N Mautino	Y Ryg
N Biggins	Y Flowers	Y May	N Sacia
N Black	Y Ford	N McAuliffe	N Saviano
N Boland	N Fortner	Y McCarthy	N Schmitz
N Bost	N Franks	Y McGuire	N Schock
N Bradley, John	N Fritchey	N Mendoza	Y Scully
Y Bradley, Richard	N Froehlich	N Meyer	N Smith
N Brady	P Golar	N Miller	N Sommer
N Brauer	N Gordon	N Mitchell, Bill	A Soto
Y Brosnahan	E Graham	N Mitchell, Jerry	N Stephens
N Burke	Y Granberg	N Moffitt	N Sullivan
N Chapa LaVia	Y Hamos	N Molaro	N Tracy
N Coladipietro	N Hannig	N Mulligan	N Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	N Myers	N Verschoore
Y Colvin	Y Hernandez	Y Nekritz	N Wait
N Coulson	N Hoffman	N Osmond	Y Washington
Y Crespo	N Holbrook	Y Osterman	N Watson
N Cross	Y Howard	E Patterson	N Winters
N Cultra	Y Jakobsson	N Phelps	Y Yarbrough
Y Currie	Y Jefferies	N Pihos	Y Younge
N D'Amico	Y Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	N Joyce	N Pritchard	
Y Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

NO. 3

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 169
VEH CD-JUNIOR GOLF PLATES
THIRD READING
PASSED

May 25, 2007

102 YEAS 13 NAYS 0 PRESENT

Y Acevedo	Y Dugan	N Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	N Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
N Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	N Fortner	N McCarthy	N Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
N Brauer	Y Gordon	Y Mitchell, Bill	A Soto
Y Brosnahan	E Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	N Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
N Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	N Watson
Y Cross	Y Howard	E Patterson	N Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	N Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	N Ramey	

E - Denotes Excused Absence

NO. 4

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 201
WILDLIFE-DEER HUNTING SEASON
THIRD READING
PASSED

May 25, 2007

115 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	A Soto
Y Brosnahan	E Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	E Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 5

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 216
WILDLIFE CODE-CROSSBOW PERMIT
THIRD READING
PASSED

May 25, 2007

115 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	A Soto
Y Brosnahan	E Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	E Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 6

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 220
AFFORDABLE HOUSING-SCH COSTS
THIRD READING
PASSED

May 25, 2007

113 YEAS 2 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
N Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	A Soto
Y Brosnahan	E Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	E Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 7

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 223
FIRST 2007 GENERAL REVISORY
THIRD READING
PASSED

May 25, 2007

114 YEAS 1 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	N Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	A Soto
Y Brosnahan	E Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	E Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 8

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 233
IDPH-MRSA-HOSPITAL SCREEN/REPT
THIRD READING
PASSED

May 25, 2007

106 YEAS 0 NAYS 9 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	P Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	P Flowers	Y May	Y Sacia
Y Black	P Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	P Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	A Soto
Y Brosnahan	E Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	P Verschoore
P Colvin	Y Hernandez	Y Nekritz	Y Wait
P Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	E Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	P Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
P Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 9

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 253
MUNI CD-RESIDENCY
THIRD READING
PASSED

May 25, 2007

114 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	A Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	A Soto
Y Brosnahan	E Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	E Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 10

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 274
METH-ANHYDROUS AMMONIA
THIRD READING
PASSED

May 25, 2007

112 YEAS 3 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
N Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	N Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	N Gordon	Y Mitchell, Bill	A Soto
Y Brosnahan	E Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	E Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 11

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 280
REGULATION-TECH
THIRD READING
PASSED

May 25, 2007

113 YEAS 1 NAYS 0 PRESENT

Y Acevedo	Y Dugan	A Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	A Soto
Y Brosnahan	E Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	E Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 12

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 284
DCFS-CILA-ADOLESCENTS-AUTISM
THIRD READING
PASSED

May 25, 2007

115 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	A Soto
Y Brosnahan	E Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	E Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 13

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 285
MOSQUITO ABATE DIST-ANNEX
THIRD READING
PASSED

May 25, 2007

66 YEAS 49 NAYS 0 PRESENT

Y Acevedo	N Dugan	Y Krause	N Reboletti
Y Arroyo	N Dunkin	Y Lang	N Reis
Y Bassi	Y Dunn	Y Leitch	N Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
N Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	N Rose
Y Berrios	N Flider	Y Mautino	Y Ryg
N Biggins	Y Flowers	Y May	N Sacia
N Black	N Ford	Y McAuliffe	Y Saviano
N Boland	N Fortner	Y McCarthy	N Schmitz
Y Bost	N Franks	Y McGuire	N Schock
N Bradley, John	N Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	N Froehlich	Y Meyer	N Smith
Y Brady	Y Golar	N Miller	N Sommer
N Brauer	Y Gordon	N Mitchell, Bill	A Soto
Y Brosnahan	E Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	N Sullivan
N Chapa LaVia	Y Hamos	Y Molaro	N Tracy
N Coladipietro	Y Hannig	Y Mulligan	Y Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	Y Hassert	N Myers	N Verschoore
Y Colvin	N Hernandez	Y Nekritz	N Wait
N Coulson	Y Hoffman	N Osmond	Y Washington
N Crespo	N Holbrook	Y Osterman	N Watson
Y Cross	Y Howard	E Patterson	Y Winters
N Cultra	N Jakobsson	N Phelps	Y Yarbrough
Y Currie	Y Jefferies	N Pihos	Y Younge
Y D'Amico	N Jefferson	N Poe	Y Mr. Speaker
N Davis, Monique	Y Joyce	N Pritchard	
Y Davis, William	N Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 14

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3477
INTERNET CRIMES
THIRD READING
PASSED

May 25, 2007

115 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	A Soto
Y Brosnahan	E Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	E Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 15

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 338
INC TX-EARNED INCOME CREDIT
THIRD READING
PASSED

May 25, 2007

115 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	A Soto
Y Brosnahan	E Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	E Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 16

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 765
STATE GOVERNMENT-TECH
THIRD READING
PASSED

May 25, 2007

115 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	A Soto
Y Brosnahan	E Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	E Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

61ST LEGISLATIVE DAY

Perfunctory Session

FRIDAY, MAY 25, 2007

At the hour of 12:47 o'clock p.m., the House convened perfunctory session.

HOUSE RESOLUTION

The following resolution was offered and placed in the Committee on Rules.

HOUSE RESOLUTION 467

Offered by Representative Brauer:

WHEREAS, The State of Illinois has a rich history of political debate; and

WHEREAS, The Lincoln-Douglas debates set high standards for political debate; and

WHEREAS, The Library and Museum present a unique forum for events and lectures about Abraham Lincoln and political history in general; and

WHEREAS, The Ronald Reagan Presidential Library and Museum in Simi Valley, California hosted a debate on May 3, 2007 that featured the Republican candidates for President of the United States; and

WHEREAS, The debate at the Reagan Library, which aired on MSNBC and MSNBC.com, promoted the venue to the almost 1,800,000 viewers who watched the debate; and

WHEREAS, The Abraham Lincoln Presidential Library and Museum, the City of Springfield and central Illinois would benefit from similar media exposure generated by hosting a debate between political candidates; and

WHEREAS, Current policies adopted by the Illinois Historic Preservation Agency prohibit the Abraham Lincoln Presidential Library and Museum from hosting political events; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Illinois Historic Preservation Agency to amend its policies regarding political events to allow debates between candidates for political office; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Chair of the Illinois Historic Preservation Agency.

SENATE BILLS ON FIRST READING

Having been reproduced, the following bills were taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 796 (Crespo), 1011 (Berrios), 1014 (Black), 1042 (Dunn) and 1173 (Rita).

At the hour of 12:48 o'clock p.m., the House Perfunctory Session adjourned.