**STATE OF ILLINOIS**

# HOUSE JOURNAL

**HOUSE OF REPRESENTATIVES**

**NINETY-SIXTH GENERAL ASSEMBLY**

**119TH LEGISLATIVE DAY**

**REGULAR & PERFUNCTORY SESSION**

**WEDNESDAY, MARCH 24, 2010**

**11:40 O'CLOCK A.M.**

NO. 119

**HOUSE OF REPRESENTATIVES**
**Daily Journal Index**
**119th Legislative Day**

The House met pursuant to adjournment.
Representative Mautino in the chair.
Prayer by Reverend Bob Dyer, who is with First Presbyterian Church in Mt. Vernon, IL.
Representative Howard 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:
117 present. (ROLL CALL 1)

At the hour of 5:43 o'clock p.m., by unanimous consent, Representative Lyons was excused from attendance for the remainder of the day.

## TEMPORARY COMMITTEE ASSIGNMENTS

Representative Mautino replaced Representative Currie in the Committee on Rules on March 24, 2010.

Representative McGuire replaced Representative Lang in the Committee on Rules (A) on March 24, 2010.

Representative Harris replaced Representative Currie in the Committee on Rules (A) on March 24, 2010.

Representative McGuire replaced Representative Currie in the Committee on Rules (B) on March 24, 2010.

Representative Mautino replaced Representative Currie in the Committee on Rules (C) on March 24, 2010.

Representative Acevedo replaced Representative Lang in the Committee on Rules (C) on March 24, 2010.

Representative Beaubien replaced Representative Schmitz in the Committee on Rules (C) on March 24, 2010.

Representative Jefferson replaced Representative Turner in the Committee on Rules (C) on March 24, 2010.

Representative McGuire replaced Representative Currie in the Committee on Rules (D) on March 24, 2010.

Representative Jefferson replaced Representative Turner in the Committee on Rules (D) on March 24, 2010.

Representative Schmitz replaced Representative Cultra in the Committee on Agriculture & Conservation on March 24, 2010.

Representative Mendoza replaced Representative Flowers in the Committee on Agriculture & Conservation on March 24, 2010.

Representative Hernandez replaced Representative Dugan in the Committee on Agriculture & Conservation on March 24, 2010.

Representative Madigan replaced Representative Graham in the Committee on Personnel and Pensions on March 24, 2010.

Representative Bellock replaced Representative Moffitt in the Committee on Agriculture & Conservation on March 24, 2010.

Representative Rose replaced Representative Schmitz in the Committee on Human Services on March 24, 2010.

Representative Coulson replaced Representative Bellock in the Committee on Human Services on March 24, 2010.

Representative Harris replaced Representative Lyons in the Committee on Executive on March 24, 2010.

Representative Mautino replaced Representative Turner in the Committee on Executive on March 24, 2010.

Representative Zalewski replaced Representative Rita in the Committee on Computer Technology on March 24, 2010.

## REPORTS FROM THE COMMITTEE ON RULES

Representative Mautino, replacing Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on March 24, 2010, reported the same back with the following recommendations:

**LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:**

That the bill be reported "approved for consideration" and be placed on the order of Second Reading--Short Debate: SENATE BILL 1182.

**LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Agriculture & Conservation: SENATE BILL 2632.
Personnel and Pensions: HOUSE AMENDMENT No. 2 to SENATE BILL 1946.

The committee roll call vote on the foregoing Legislative Measures is as follows:
3, Yeas; 1, Nay; 0, Answering Present.

Y Mautino(D) (replacing Currie)
A Lang(D)
Y Turner(D)
N Black(R), Republican Spokesperson
Y Schmitz(R)

Representative Harris, replacing Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on March 24, 2010, (A) 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. 3 to HOUSE BILL 4220.
Amendment No. 2 to HOUSE BILL 4779.
Amendment No. 2 to HOUSE BILL 5107.
Amendment No. 1 to HOUSE BILL 5126.
Amendment No. 2 to HOUSE BILL 5152.
Amendment No. 2 to HOUSE BILL 5191.
Amendment No. 1 to HOUSE BILL 5241.
Amendment No. 2 to HOUSE BILL 5424.
Amendment No. 3 to HOUSE BILL 5483.

Amendment No. 2 to HOUSE BILL 5517.
Amendment No. 1 to HOUSE BILL 5688.
Amendment No. 1 to HOUSE BILL 5859.
Amendment No. 2 to HOUSE BILL 5918.
Amendment No. 4 to HOUSE BILL 6080.
Amendment No. 1 to HOUSE BILL 6113.
Amendment No. 1 to HOUSE BILL 6129.
Amendment No. 2 to HOUSE BILL 6140.
Amendment No. 2 to HOUSE BILL 6202.
Amendment No. 2 to HOUSE BILL 6391.
Amendment No. 2 to HOUSE BILL 6462.

**LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Aging: HOUSE AMENDMENT No. 2 to HOUSE BILL 5869.

Agriculture & Conservation: HOUSE AMENDMENT No. 1 to HOUSE BILL 5611 and HOUSE AMENDMENT No. 2 to HOUSE BILL 6099.

Business & Occupational Licenses: HOUSE AMENDMENTS Numbered 2 and 3 to HOUSE BILL 5868 and HOUSE AMENDMENT No. 1 to HOUSE BILL 6420.

Computer Technology: HOUSE AMENDMENT No. 1 to HOUSE BILL 6441.

Consumer Protection: HOUSE AMENDMENT No. 2 to HOUSE BILL 6252 and HOUSE AMENDMENT No. 1 to HOUSE BILL 6411.

Counties & Townships: HOUSE AMENDMENT No. 2 to HOUSE BILL 5552.

Electric Generation & Commerce: HOUSE AMENDMENT No. 3 to HOUSE BILL 5147.

Elementary & Secondary Education: HOUSE AMENDMENT No. 1 to HOUSE BILL 6065 and HOUSE AMENDMENT No. 2 to HOUSE BILL 6419.

Environmental Health: HOUSE AMENDMENTS Numbered 2 and 3 to HOUSE BILL 5040 and HOUSE AMENDMENT No. 1 to HOUSE BILL 5224.

Executive: HOUSE AMENDMENT No. 1 to HOUSE BILL 5732.

Health Care Availability and Accessibility: HOUSE AMENDMENT No. 1 to HOUSE BILL 6417.

Health Care Licenses: HOUSE AMENDMENT No. 1 to HOUSE BILL 5308.

Human Services: HOUSE AMENDMENT No. 1 to HOUSE BILL 5124.

Insurance: HOUSE AMENDMENT No. 2 to HOUSE BILL 5630 and HOUSE AMENDMENTS Numbered 1, 2 and 3 to SENATE BILL 660.

Judiciary I - Civil Law: HOUSE AMENDMENT No. 4 to HOUSE BILL 2236, HOUSE AMENDMENT No. 1 to HOUSE BILL 5409, HOUSE AMENDMENT No. 2 to HOUSE BILL 5735; and HOUSE AMENDMENT No. 1 to HOUSE BILL 6475.

Judiciary II - Criminal Law: HOUSE AMENDMENT No. 1 to HOUSE BILL 4598 and HOUSE AMENDMENTS Numbered 2 and 4 to HOUSE BILL 6234.

Medicaid Reform, Family & Children Services: HOUSE AMENDMENT No. 1 to HOUSE BILL 5242.

Public Utilities: HOUSE AMENDMENT No. 2 to HOUSE BILL 5879 and HOUSE AMENDMENT No. 1 to HOUSE BILL 6424.

Revenue & Finance: HOUSE AMENDMENT No. 2 to HOUSE BILL 6241 and HOUSE AMENDMENTS Numbered 2, 3, 4 and 5 to SENATE BILL 642.

State Government Administration: HOUSE AMENDMENT No. 1 to HOUSE BILL 5516, HOUSE AMENDMENT No. 1 to HOUSE BILL 5590 and HOUSE AMENDMENT No. 2 to HOUSE BILL 6416.

Vehicles & Safety: HOUSE AMENDMENT No. 1 to HOUSE BILL 5675.

The committee roll call vote on the foregoing Legislative Measures is as follows:

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

Y Harris(D) (replacing Currie)
Y McGuire(D) (replacing Lang)
Y Turner(D)
A Black(R), Republican Spokesperson
Y Schmitz(R)

Representative McGuire, replacing Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on March 24, 2010, (B) 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. 4 to SENATE BILL 1946.

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

Y McGuire(D) (replacing Currie)
Y Lang(D)
Y Turner(D)
Y Black(R), Republican Spokesperson
Y Schmitz(R)

Representative Mautino, replacing Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on March 24, 2010, (C) reported the same back with the following recommendations:

**LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Executive: HOUSE AMENDMENT No. 1 to SENATE BILL 1182.
Judiciary I - Civil Law: HOUSE AMENDMENT No. 2 to HOUSE BILL 2236 and HOUSE AMENDMENT No. 3 to HOUSE BILL 6215.

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

Y Mautino(D) (replacing Currie)
Y Acevedo(D) (replacing Lang)
Y Jefferson(D) (replacing Turner)
A Black(R), Republican Spokesperson
Y Beaubien(R) (replacing Schmitz)

Representative McGuire, replacing Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on March 24, 2010, (D) 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 SENATE BILL 1182.

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

Y McGuire(D) (replacing Currie)
Y Lang(D)
Y Jefferson(D) (replacing Turner)
Y Black(R), Republican Spokesperson
A Schmitz(R)

## REPORTS FROM STANDING COMMITTEES

Representative Phelps, Chairperson, from the Committee on Agriculture & Conservation to which the following were referred, action taken on March 24, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 3 to HOUSE BILL 5772.

The committee roll call vote on Amendment No. 3 to House Bill 5772 is as follows:
8, Yeas; 5, Nays; 0, Answering Present.

Y Phelps(D), Chairperson
Y Sacia(R), Republican Spokesperson
Y Schmitz(R) (replacing Cultra)
Y Flider(D)
Y Hamos(D)
N Myers(R)
Y Reitz(D)
N Verschoore(D), Vice-Chairperson
N Cavaletto(R)
Y Hernandez(D) (replacing Dugan)
Y Mendoza(D) (replacing Flowers)
N Moffitt(R)
N Reis(R)

Representative McCarthy, Chairperson, from the Committee on Personnel and Pensions to which the following were referred, action taken on March 24, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to SENATE BILL 1946.

The committee roll call vote on Amendment No. 2 to Senate Bill 1946 is as follows:
8, Yeas; 2, Nays; 0, Answering Present.

Y McCarthy(D), Chairperson
N Poe(R), Republican Spokesperson
Y Brady(R)
Y Burke(D)
Y McAuliffe(R)
Y Colvin(D), Vice-Chairperson
Y Acevedo(D)
N Brauer(R)
Y Madigan(D) (replacing Graham)
Y Nekritz(D)

Representative Verschoore, Chairperson, from the Committee on Counties & Townships to which the following were referred, action taken on March 24, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to HOUSE BILL 5552.

The committee roll call vote on Amendment No. 2 to House Bill 5552 is as follows:
6, Yeas; 2, Nays; 0, Answering Present.

N Verschoore(D), Chairperson
Y Ramey(R), Republican Spokesperson
Y Mitchell, Bill(R)
Y Reitz(D)
Y Rita(D)
Y Zalewski(D), Vice-Chairperson
N Hatcher(R)
Y Moffitt(R)
A Riley(D)

Representative Jakobsson, Chairperson, from the Committee on Human Services to which the following were referred, action taken on March 24, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 5124.

The committee roll call vote on Amendment No. 1 to House Bill 5124 is as follows:
5, Yeas; 0, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson
Y Coulson(R) (replacing Bellock)
Y Collins(D)
Y Rose(R) (replacing Schmitz)
A Howard(D), Vice-Chairperson
Y Cole(R)
A Flowers(D)

Representative Phelps, Chairperson, from the Committee on Agriculture & Conservation to which the following were referred, action taken on March 24, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 5611.
Amendment No. 2 to HOUSE BILL 6099.

The committee roll call vote on Amendment No. 1 to House Bill 5611 is as follows:

8, Yeas; 1, Nay; 0, Answering Present.

Y Phelps(D), Chairperson
Y Sacia(R), Republican Spokesperson
Y Cultra(R)
N Flider(D)
A Hamos(D)
Y Myers(R)
A Reitz(D)
A Verschoore(D), Vice-Chairperson
Y Cavaletto(R)
Y Dugan(D)
Y Flowers(D)
Y Bellock(R) (replacing Moffitt)
A Reis(R)

The committee roll call vote on Amendment No. 2 to House Bill 6099 is as follows:

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

Y Phelps(D), Chairperson
Y Sacia(R), Republican Spokesperson
Y Cultra(R)
Y Flider(D)
Y Hamos(D)
Y Myers(R)
Y Reitz(D)
Y Verschoore(D), Vice-Chairperson
Y Cavaletto(R)
Y Dugan(D)
Y Flowers(D)
Y Bellock(R) (replacing Moffitt)
Y Reis(R)

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on March 24, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 5732.
Amendment No. 1 to SENATE BILL 1182.

The committee roll call vote on Amendment No. 1 to House Bill 5732 and Amendment No. 1 to Senate Bill 1182 is as follows:

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

Y Burke(D), Chairperson
Y Brady(R), Republican Spokesperson
Y Arroyo(D)
Y Biggins(R)
Y Sullivan(R)
Y Mautino(D) (replacing Turner)
Y Harris(D) (replacing Lyons)
Y Acevedo(D)
Y Berrios(D)
Y Rita(D)
Y Tryon(R)

Representative Careen Gordon, Chairperson, from the Committee on Computer Technology to which the following were referred, action taken on March 24, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 6441.

The committee roll call vote on Amendment No. 1 to House Bill 6441 is as follows:
7, Yeas; 0, Nays; 0, Answering Present.

Y Gordon, Careen(D), Chairperson
Y Eddy(R), Republican Spokesperson
Y Cole(R)
Y Howard(D)
A Smith(D)
Y Hamos(D), Vice-Chairperson
A Brady(R)
A Durkin(R)
Y Zalewski(D) (replacing Rita)
Y Yarbrough(D)

## MOTIONS SUBMITTED

Representative Tryon submitted the following written motion, which was placed on the order of Motions in Writing:

**MOTION**

Pursuant to Rule 18(g), I move to discharge the Committee on Rules from further consideration of House Amendment No. 3 to SENATE BILL 1946 and advance to the order of Second Reading - Standard Debate.

Representative Osterman submitted the following written motion, which was placed on the order of Motions in Writing:

**MOTION**

Pursuant to Rule 65, and having voted on the prevailing side, I move to reconsider the vote by which HOUSE BILL 5783 passed in the House on March 24, 2010.

Representative Osterman withdrew the following written motion, which was placed on the order of Motions in Writing:

**MOTION**

Pursuant to Rule 65, and having voted on the prevailing side, I move to reconsider the vote by which HOUSE BILL 5783 passed in the House on March 24, 2010.

## REQUEST FOR FISCAL NOTE

Representative Sullivan requested that a Fiscal Note be supplied for HOUSE BILL 4781, as amended.

## STATE MANDATES FISCAL NOTES SUPPLIED

State Mandates Fiscal Notes have been supplied for HOUSE BILLS 4781, as amended, 5300, 5783, as amended and 6230.

## HOME RULE NOTES SUPPLIED

Home Rule Notes have been supplied for HOUSE BILLS 4781, as amended, 5301 and 5783, as amended.

## FISCAL NOTES SUPPLIED

Fiscal Notes have been supplied for HOUSE BILLS 1629, as amended, 5124, 5783, as amended, and SENATE BILL 1946, as amended.

## BALANCED BUDGET NOTE SUPPLIED

A Balanced Budget Note has been supplied for HOUSE BILL 5124.

## CORRECTIONAL NOTE SUPPLIED

A Correctional Note has been supplied for HOUSE BILL 4781, as amended.

## LAND CONVEYANCE APPRAISAL NOTE SUPPLIED

A Land Conveyance Appraisal Note has been supplied for HOUSE BILL 4781, as amended.

## PENSION NOTE SUPPLIED

Pension Notes have been supplied for SENATE BILL 1946, as amended, and HOUSE BILL 4781, as amended.

## STATE DEBT IMPACT NOTE SUPPLIED

State Debt Impact Notes have been supplied for SENATE BILL 1946, as amended, and HOUSE BILL 4781, as amended.

## STATE MANDATES FISCAL NOTE REQUEST WITHDRAWN

Representative Fritchey withdrew his request for a State Mandates Fiscal Note on HOUSE BILL 5381.

## FISCAL NOTE REQUEST WITHDRAWN

Representative Sullivan withdrew his request for a Fiscal Note on HOUSE BILL 4781, as amended.

## MESSAGES FROM THE SENATE

A message from the Senate by
Ms. Rock, 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. 56

Concurred in the Senate, March 24, 2010.

Jillayne Rock, Secretary of the Senate

A message from the Senate by
Ms. Rock, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE JOINT RESOLUTION NO. 105

WHEREAS, Agricultural pesticide products in Illinois have been proven to protect and improve crop yield by controlling weed competition, protecting against insect damage, and enhancing plant health; and

WHEREAS, The application of these products by licensed professionals contributes significantly to the Illinois agricultural industry's ability to improve farm receipts and economic output despite the fact that crop acreage in Illinois continues to be lost to urban development; and

WHEREAS, The specialty crop industry, which includes vineyards, organic farms, fruit and vegetable farms, horticultural operations, and bee apiaries, is also a vital and growing sector of the State's agricultural industry; and

WHEREAS, Some of these specialty crops are particularly sensitive to some agricultural pesticides commonly used in grain production; and

WHEREAS, Both the modern grain production industry and the specialty crop industry have expressed a desire to find a method to better communicate the presence and location of sensitive crops in order to avoid conflicts or misunderstandings regarding pesticide applications made near these sensitive crops and to avoid any potential drift scenarios; and

WHEREAS, The Illinois Department of Agriculture, in cooperation with the agrichemical industry, is in the process of implementing a comprehensive internet-based geographic information system that will allow specialty growers to voluntarily share the physical location of their production areas with the agrichemical industry in order to assist the agrichemical industry in further minimizing and mitigating the potential for pesticide drift onto these crops; and

WHEREAS, This internet-based geographic information system will be used not only in Illinois, but also in Indiana, Ohio, Michigan, Wisconsin, and Minnesota, and its implementation will be initially funded by the Region 5 USEPA in order to avoid excessive cost to the Illinois Department of Agriculture, the State of Illinois, and all agricultural producers; and

WHEREAS, Growers of sensitive crops may voluntarily use this system to identify their locations and provide helpful written information regarding the potential for certain types of pesticides to cause harm to their specific crops if drift occurs; and

WHEREAS, Information regarding this system and its mapping capabilities will be integrated into the University of Illinois Extension Service Pesticide Safety Education Program; its capabilities will, thus, be demonstrated to all licensed pesticide applicators; and its use will be encouraged so that these potentially sensitive locations can be integrated into the software systems used by ground and aerial applicators in order to highlight property boundaries around sensitive crops and avoid the potential for drift; and

WHEREAS, The agrichemical industry, the specialty and organic crop industry, bee apiary owners, the Illinois Department of Agriculture, and the University of Illinois Extension support the implementation, application, and use of this system; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we urge the Illinois Department of Agriculture to implement this internet-based geographic information system in order to help identify sensitive crops, foster meaningful communication between specialty growers and pesticide applicators, lessen the likelihood of pesticide drift in the agricultural community, and protect the interests of all parties involved in production agriculture; and be it further

RESOLVED, That the Director of Agriculture shall provide a report regarding the implementation of this internet-based geographic information system to the Secretary of the Senate and the Clerk of the House of Representatives by December 31, 2010; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Director of Agriculture.

Adopted by the Senate, March 24, 2010.

Jillayne Rock, Secretary of the Senate

A message from the Senate by

Ms. Rock, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE JOINT RESOLUTION NO. 107

WHEREAS, The General Assembly declares that, in order to conserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, conserve wildlife and forests, protect the tax base and public lands, and promote the health, safety, and general welfare of the people of this State, it is in the public interest to provide for the conservation of the

State's soil, soil resources, water, and water resources in order to control and prevent soil erosion, prevent air and water pollution, and prevent soil erosion and floodwater and sediment damages; and

WHEREAS, Illinois Soil and Water Conservation Districts have been caring for the State's precious natural and environmental resources since 1938; and

WHEREAS, Soil and Water Conservation Districts have no authority to generate operating revenue through taxation but must rely on the Illinois General Assembly for their operational funds; and

WHEREAS, Funding levels have steadily fallen over the past several years to the level that many Soil and Water Conservation Districts have been forced to reduce employee hours, delay filling vacant positions, lay off employees, and significantly reduce natural resource and environmental protection services to Illinois citizens; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Illinois General Assembly shall convene a Joint Task Force on Soil and Water Conservation Districts, which shall study the history and purpose of Soil and Water Conservation Districts, the administration and organization of Soil and Water Conservation Districts, the current and future funding of Soil and Water Conservation Districts, and any other topic regarding Soil and Water Conservation Districts that the Chair of the Task Force sees fit to study; and be it further

RESOLVED, That the members of the Joint Task Force shall include: one member appointed by the President of the Senate; one member appointed by the Minority Leader of the Senate; one member appointed by the Speaker of the House; one member appointed by the Minority Leader of the House; the Director of Agriculture or his or her designee, who shall serve as the Chairperson; the Director of the Environmental Protection Agency or his or her designee; and the Director of Natural Resources or his or her designee; additionally, the Director of Agriculture shall appoint the following Task Force Members: one Soil and Water Conservation District Association member; two directors of local Soil and Water Conservation Districts, one located in an urban area, one located in a rural area; two Soil and Water Conservation District employees, one located in an urban area, one located in a rural area; one member representing a statewide association of land improvement contractors; two members representing two separate associations of commodity producers; two members of two separate statewide organizations representing farmers; and two members representing two separate statewide environmental organizations; and be it further

RESOLVED, That the Task Force shall be facilitated by the Department of Agriculture; and be it further

RESOLVED, That the members of the Task Force shall serve without compensation; and be it further

RESOLVED, That the Joint Task Force shall report its findings and legislative recommendations to the Governor and the General Assembly by January 1, 2011; and be it further

RESOLVED, That a copy of this resolution be delivered to the Director of Agriculture, the Director of Natural Resources, and the Director of the Environmental Protection Agency.

Adopted by the Senate, March 24, 2010.

Jillayne Rock, Secretary of the Senate

## CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Coulson became the new principal sponsor of HOUSE BILL 5576.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative McGuire became the new principal sponsor of HOUSE BILL 6411.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Reitz became the new principal sponsor of HOUSE BILL 6420.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Flowers became the new principal sponsor of HOUSE BILL 6417.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Dunkin became the new principal sponsor of HOUSE BILL 6475.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Smith became the new principal sponsor of HOUSE BILL 6424.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Hamos became the new principal sponsor of HOUSE BILL 6441.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Kosel became the new principal sponsor of HOUSE BILL 5631.

With the consent of the affected members, Representative Phelps was removed as principal sponsor, and Representative Bost became the new principal sponsor of HOUSE BILL 4990.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative McCarthy became the new principal sponsor of HOUSE BILL 6425.

With the consent of the affected members, Representative Graham was removed as principal sponsor, and Representative Riley became the new principal sponsor of HOUSE BILL 5735.

With the consent of the affected members, Representative Froehlich was removed as principal sponsor, and Representative Eddy became the new principal sponsor of SENATE BILL 3544.

With the consent of the affected members, Representative Eddy was removed as principal sponsor, and Representative Bellock became the new principal sponsor of SENATE BILL 3129.

With the consent of the affected members, Representative Graham was removed as principal sponsor, and Representative Colvin became the new principal sponsor of SENATE BILL 3291.

With the consent of the affected members, Representative Pihos was removed as principal sponsor, and Representative Cross became the new principal sponsor of SENATE BILL 3180.

With the consent of the affected members, Representative Franks was removed as principal sponsor, and Representative Bradley became the new principal sponsor of Amendment No. 4 to SENATE BILL 642.

## HOUSE RESOLUTION

The following resolution was offered and placed in the Committee on Rules.

HOUSE RESOLUTION 1056

Offered by Representative Franks:

WHEREAS, Red light cameras are used in Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will Counties; and

WHEREAS, These cameras produce photographs of vehicles that pass through an intersection when the signal is red; and

WHEREAS, The photographs are used to issue traffic citations; and

WHEREAS, Under certain circumstances, vehicles may pass through an intersection in a lawful manner when the signal is red; and

WHEREAS, Red light cameras have been used to issue traffic citations to drivers who properly execute a right turn against a red signal; and

WHEREAS, These citations for otherwise lawful vehicle operations cause undue and unwarranted burdens upon the recipients of the citations; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we encourage units of local government with red light cameras to not use the cameras to issue tickets to motorists who properly execute right turns at a red light.

## AGREED RESOLUTIONS

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

HOUSE RESOLUTION 1050

Offered by Representative Eddy:

Congratulates and honors Thomas Eugene McDaniel Sr. for his years of hard work and dedication to the Boy Scouts.

HOUSE RESOLUTION 1051

Offered by Representatives Davis, William:

Congratulates Pastor Lavell (L.V.) Jenkins, of the Greater Christian Unity Missionary Baptist Church in Robbins, on his years of service and his retirement.

HOUSE RESOLUTION 1052

Offered by Representative Acevedo:

Congratulates Major Faye Centeno of Bridgeport on her retirement from the United States Air Force.

HOUSE RESOLUTION 1053

Offered by Representative Chapa LaVia:

Congratulates and thanks Dennis Schmidt for this many years of dedicated service as Police Chief of the Montgomery Police Department and congratulates him on his new career as manager of Waubonsee Community College's driver safety program.

HOUSE RESOLUTION 1054

Offered by Representative Hamos:

Mourns the death in Afghanistan of United States Marine Corps Captain Matthew Charles Hays Freeman of Richmond Hill, Georgia.

HOUSE RESOLUTION 1055

Offered by Representative Hamos:

Congratulates Shani Davis for his gold medal victory at the 2010 Winter Olympic Games in Vancouver, Canada.

## AGREED RESOLUTIONS

HOUSE RESOLUTION 1041 was taken up for consideration.

Representative Eddy moved the adoption of the agreed resolution.

The motion prevailed and the agreed resolution was adopted.

## HOUSE BILLS ON SECOND READING

HOUSE BILL 5191. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5191 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Administrative Procedure Act is amended by changing Section 5-30 as follows:

(5 ILCS 100/5-30) (from Ch. 127, par. 1005-30)

Sec. 5-30. Regulatory flexibility. When an agency proposes a new rule or an amendment to an existing rule that may have an impact on small businesses, not for profit corporations, or small municipalities, the agency shall do each of the following:

(a) The agency shall consider each of the following methods for reducing the impact of the rulemaking on small businesses, not for profit corporations, or small municipalities. The agency shall reduce the impact by utilizing one or more of the following methods if it finds that the methods are legal and feasible in meeting the statutory objectives that are the basis of the proposed rulemaking.

(1) Establish less stringent compliance or reporting requirements in the rule for small businesses, not for profit corporations, or small municipalities.

(2) Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses, not for profit corporations, or small municipalities.

(3) Consolidate or simplify the rule's compliance or reporting requirements for small businesses, not for profit corporations, or small municipalities.

(4) Establish performance standards to replace design or operational standards in the rule for small businesses, not for profit corporations, or small municipalities.

(5) Exempt small businesses, not for profit corporations, or small municipalities from any or all requirements of the rule.

(b) Before or during the notice period required under subsection (b) of Section 5-40, the agency shall provide an opportunity for small businesses, not for profit corporations, or small municipalities to participate in the rulemaking process. The agency shall utilize one or more of the following techniques. These techniques are in addition to other rulemaking requirements imposed by this Act or by any other Act.

(1) The inclusion in any advance notice of possible rulemaking of a statement that the rule may have an impact on small businesses, not for profit corporations, or small municipalities.

(2) The publication of a notice of rulemaking in publications likely to be obtained by small businesses, not for profit corporations, or small municipalities.

(3) The direct notification of interested small businesses, not for profit corporations, or small municipalities.

(4) The conduct of public hearings concerning the impact of the rule on small businesses, not for profit corporations, or small municipalities.

(5) The use of special hearing or comment procedures to reduce the cost or complexity of participation in the rulemaking by small businesses, not for profit corporations, or small municipalities.

(c) Prior to the adoption of any proposed rule or amendment that may have an adverse impact on small businesses, each agency, or the Business Assistance Office of the Department of Commerce and Economic Opportunity if the agency requests, shall prepare an economic impact analysis that includes the following:

(1) an identification and estimate of the number of the small businesses subject to the proposed rule or amendment;

(2) the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule or amendment, including the type of professional skills necessary for preparation of the report or record;

(3) a statement of the probable effect on impacted small businesses; and

(4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule or amendment.

Nothing in this subsection shall be construed as prohibiting an agency that enforces federal standards or administers federal programs from submitting an analysis prepared by, or with assistance from, the relevant federal agency. ~~Before the notice period required under subsection (b) of Section 5-40, the Secretary of State shall provide to the Business Assistance Office of the Department of Commerce and Economic Opportunity a copy of any proposed rules or amendments accepted for publication. The Business Assistance Office shall prepare an impact analysis of the rule describing the rule's effect on small businesses whenever the Office believes, in its discretion, that an analysis is warranted or whenever~~

~~requested to do so by 25 interested persons, an association representing at least 100 interested persons, the Governor, a unit of local government, or the Joint Committee on Administrative Rules.~~ The impact analysis shall be completed within the notice period as described in subsection (b) of Section 5-40. Upon completion of the analysis the agency ~~Business Assistance Office~~ shall submit this analysis to the Joint Committee on Administrative Rules, any interested person who requested the analysis, and the Business Assistance Office of the Department of Commerce and Economic Opportunity ~~agency proposing the rule~~. ~~The impact analysis shall contain the following:~~

~~(1) A summary of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule.~~

~~(2) A description of the types and an estimate of the number of small businesses to which the proposed rule will apply.~~

~~(3) An estimate of the economic impact that the regulation will have on the various types of small businesses affected by the rulemaking.~~

~~(4) A description or listing of alternatives to the proposed rule that would minimize the economic impact of the rule. The alternatives must be consistent with the stated objectives of the applicable statutes and regulations.~~

(Source: P.A. 94-793, eff. 5-19-06.)".

Representative Fortner offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 5191, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Administrative Procedure Act is amended by changing Section 5-30 as follows:

(5 ILCS 100/5-30) (from Ch. 127, par. 1005-30)

Sec. 5-30. Regulatory flexibility. When an agency proposes a new rule or an amendment to an existing rule that may have an impact on small businesses, not for profit corporations, or small municipalities, the agency shall do each of the following:

(a) The agency shall consider each of the following methods for reducing the impact of the rulemaking on small businesses, not for profit corporations, or small municipalities. The agency shall reduce the impact by utilizing one or more of the following methods if it finds that the methods are legal and feasible in meeting the statutory objectives that are the basis of the proposed rulemaking.

(1) Establish less stringent compliance or reporting requirements in the rule for small businesses, not for profit corporations, or small municipalities.

(2) Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses, not for profit corporations, or small municipalities.

(3) Consolidate or simplify the rule's compliance or reporting requirements for small businesses, not for profit corporations, or small municipalities.

(4) Establish performance standards to replace design or operational standards in the rule for small businesses, not for profit corporations, or small municipalities.

(5) Exempt small businesses, not for profit corporations, or small municipalities from any or all requirements of the rule.

(b) Before or during the notice period required under subsection (b) of Section 5-40, the agency shall provide an opportunity for small businesses, not for profit corporations, or small municipalities to participate in the rulemaking process. The agency shall utilize one or more of the following techniques. These techniques are in addition to other rulemaking requirements imposed by this Act or by any other Act.

(1) The inclusion in any advance notice of possible rulemaking of a statement that the rule may have an impact on small businesses, not for profit corporations, or small municipalities.

(2) The publication of a notice of rulemaking in publications likely to be obtained by small businesses, not for profit corporations, or small municipalities.

(3) The direct notification of interested small businesses, not for profit corporations, or small municipalities.

(4) The conduct of public hearings concerning the impact of the rule on small businesses, not for profit corporations, or small municipalities.

(5) The use of special hearing or comment procedures to reduce the cost or complexity of participation in the rulemaking by small businesses, not for profit corporations, or small municipalities.

(c) Prior to the filing of any proposed rule or amendment that may have an adverse impact on small

businesses, each agency must prepare, or must request that the Business Assistance Office of the Department of Commerce and Economic Opportunity prepare and that Office must prepare, an economic impact analysis that includes the following:

(1) an identification and estimate of the number of the small businesses subject to the proposed rule or amendment;

(2) the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule or amendment, including the type of professional skills necessary for preparation of the report or record;

(3) a statement of the probable effect on impacted small businesses; and

(4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule or amendment.

~~Before the notice period required under subsection (b) of Section 5-40, the Secretary of State shall provide to the Business Assistance Office of the Department of Commerce and Economic Opportunity a copy of any proposed rules or amendments accepted for publication. The Business Assistance Office shall prepare an impact analysis of the rule describing the rule's effect on small businesses whenever the Office believes, in its discretion, that an analysis is warranted or whenever requested to do so by 25 interested persons, an association representing at least 100 interested persons, the Governor, a unit of local government, or the Joint Committee on Administrative Rules.~~ The impact analysis shall be completed before ~~within~~ the notice period as described in subsection (b)

of Section 5-40. Upon completion of the analysis the agency ~~Business Assistance Office~~ shall submit this analysis to the Joint Committee on Administrative Rules, any interested person who requested the analysis, and , if the agency prepared the analysis, to the Business Assistance Office ~~agency proposing the rule~~. ~~The impact analysis shall contain the following:~~

This subsection does not apply to (i) rules promulgated in accordance with the emergency rulemaking provisions of this Article and (ii) rules and standards described in paragraphs (1) through (5) of subsection (c) of Section 1-5.

~~(1) A summary of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule.~~

~~(2) A description of the types and an estimate of the number of small businesses to which the proposed rule will apply.~~

~~(3) An estimate of the economic impact that the regulation will have on the various types of small businesses affected by the rulemaking.~~

~~(4) A description or listing of alternatives to the proposed rule that would minimize the economic impact of the rule. The alternatives must be consistent with the stated objectives of the applicable statutes and regulations.~~

(Source: P.A. 94-793, eff. 5-19-06.)".

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 advanced to the order of Third Reading.

HOUSE BILL 5688. Having been recalled on March 23, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Brauer offered the following amendment and moved its adoption.

AMENDMENT NO. 1 . Amend House Bill 5688 as follows:

on page 29, by replacing lines 19 through 26 with the following:

"(y) Beginning on the effective date of this amendatory Act of the 96th General Assembly, a child with a disability who receives residential and educational services from the Department shall be eligible to receive transition services in accordance with Article 14 of the School Code from the age of 14.5 through age 21, inclusive, notwithstanding the child's residential services arrangement. For purposes of this subsection, "child with a disability" means a child with a disability as defined by the federal Individuals with Disabilities Education Improvement Act of 2004."; and

on page 30, by deleting lines 1 through 12; and

on page 30, by replacing lines 22 through 24 with the following:

"disabilities. A child with a disability who receives residential and educational services directly from or paid by the Department shall be eligible to receive transition services in accordance with Article 14 of the School Code from the age of 14.5 through age 21, inclusive, notwithstanding the child's residential services arrangement. Beginning on the effective date of this amendatory Act of the 96th General Assembly, the Department shall review its policies and regulations that create obstacles to the provision of these services and within the constraint of existing federal or State law change or modify the policies and regulations to support the provision of transition services in accordance with Article 14 of the School Code. For the purposes of this Section, "child with a disability" means a child with a disability as defined by the federal Individuals with Disabilities Education Improvement Act of 2004."; and
on page 31, by deleting lines 1 through 17.

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 5085.

HOUSE BILL 6208. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Public Utilities, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 6208 by replacing line 17 on page 1 through line 3 on page 2 with the following:

"(a-5) All third-party sales representatives engaged in the marketing of retail electricity supply must, prior to the customer signing a contract, disclose that they are not employed by the electric utility operating in the applicable service territory."; and
on page 2, by replacing lines 14 through 17 with the following:
"own behalf, any person acting exclusively on behalf of a single alternative retail electric supplier on condition that exclusivity is disclosed to any third party contracted in such agent capacity, any person or".

AMENDMENT NO. 2. Amend House Bill 6208, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 16-115C as follows:

(220 ILCS 5/16-115C)

Sec. 16-115C. Licensure of agents, brokers, and consultants engaged in the procurement or sale of retail electricity supply for third parties.

(a) The purpose of this Section is to adopt licensing and code of conduct rules in a competitive retail electricity market to protect Illinois consumers from unfair or deceptive acts or practices and to provide persons acting as agents, brokers, and consultants engaged in the procurement or sale of retail electricity supply for third parties with notice of the illegality of those acts or practices.

(a-5) All third-party sales representatives engaged in the marketing of retail electricity supply must, prior to the customer signing a contract, disclose that they are not employed by the electric utility operating in the applicable service territory.

(b) For purposes of this Section, "agents, brokers, and consultants engaged in the procurement or sale of retail electricity supply for third parties" means any person or entity that attempts to procure on behalf of or sell retail electric service to an electric customer in the State. "Agents, brokers, and consultants engaged in the procurement or sale of retail electricity supply for third parties" does not include the Illinois Power Agency or any of its employees, any entity licensed as an alternative retail electric supplier pursuant to 83 Ill. Adm. Code 451 offering retail electric service on its own behalf, ~~any person acting exclusively on behalf of a single alternative retail electric supplier on condition that exclusivity is disclosed to any third party contracted in such agent capacity,~~ any person or entity representing a municipal power agency, as defined in Section 11-119.1-3 of the Illinois Municipal Code, or any person or entity that is attempting to procure on behalf of or sell retail electric service to a third party that has aggregate billing demand of all of

its affiliated electric service accounts in Illinois of greater than 1,500 kW.

(c) No person or entity shall act as an agent, broker, or consultant engaged in the procurement or sale of retail electricity supply for third parties unless that person or entity is licensed by the Commission under this Section or is offering services on their own behalf under 83 Ill. Adm. Code 451.

(d) The Commission shall create requirements for licensure as an agent, broker, or consultant engaged in the procurement or sale of retail electricity supply for third parties, which shall include all of the following criteria:

(1) Technical competence.

(2) Managerial competence.

(3) Financial responsibility, including the posting of an appropriate performance bond.

(4) Annual reporting requirements.

(e) Any person or entity required to be licensed under this Section must:

(1) disclose in plain language in writing to all persons it solicits the price per kilowatt-hour, inclusive of all fees received by the licensee, to be paid by the customer ~~total anticipated remuneration to be paid to it by any third party~~ over the period of the proposed underlying customer contract;

(2) disclose, if applicable, to all customers, prior to the customer signing a contract, the fact that they will be receiving compensation from the supplier;

(3) ~~(2)~~ not hold itself out as independent or unaffiliated with any supplier, or both, or use words reasonably calculated to give that impression, unless the person offering service under this Section has no contractual relationship with any retail electricity supplier or its affiliates regarding retail electric service in Illinois;

(4) ~~(3)~~ not utilize false, misleading, materially inaccurate, defamatory, or otherwise deceptive language or materials in the soliciting or providing of its services;

(5) ~~(4)~~ maintain copies of all marketing materials disseminated to third parties for a period of not less than 3 years;

(6) ~~(5)~~ not present electricity pricing information in a manner that favors one supplier over another, unless a valid pricing comparison is made utilizing all relevant costs and terms; and

(7) ~~(6)~~ comply with the requirements of Sections 2EE, 2FF, 2GG, and 2HH of the Consumer Fraud and Deceptive Business Practices Act.

(f) Any person or entity licensed under this Section shall file with the Commission all of the following information no later than March of each year:

(1) A verified report detailing any and all contractual relationships that it has with certified electricity suppliers in the State regarding retail electric service in Illinois.

(2) A verified report detailing the distribution of its customers with the various certified electricity suppliers in Illinois during the prior calendar year. A report under this Section shall not be required to contain customer-identifying information.

~~(3) A copy of its verified financial statement.~~

(3) ~~(4)~~ A verified statement of any changes to the original licensure qualifications and notice of continuing compliance with all requirements.

(g) The Commission shall have jurisdiction over disciplinary proceedings and complaints for violations of this Section. The findings of a violation of this Section by the Commission shall result in a progressive disciplinary scale. For a first violation, the Commission may, in its discretion, ~~shall~~ suspend the license of the person so disciplined for a period of no less than one month. For a second violation within a 5-year period, the Commission shall suspend the license for the person so disciplined for a period of not less than 6 months. For a third or subsequent violation within a 5-year period, the Commission shall suspend the license of the disciplined person for a period of not less than 2 years.

(h) This Section shall not apply to a retail customer that operates or manages either directly or indirectly any facilities, equipment, or property used or contemplated to be used to distribute electric power or energy if that retail customer is a political subdivision or public institution of higher education of this State, or any corporation, company, limited liability company, association, joint-stock company or association, firm, partnership, or individual, or their lessees, trusts, or receivers appointed by any court whatsoever that are owned or controlled by the political subdivision, public institution of higher education, or operated by any of its lessees or operating agents.

(Source: P.A. 95-679, eff. 10-11-07.)

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

Representative Nekritz offered the following amendment and moved its adoption:

AMENDMENT NO. 3. Amend House Bill 6208, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 2, by replacing lines 17 through 20 with the following:
"own behalf, any person acting exclusively on behalf of a single alternative retail electric supplier on condition that exclusivity is disclosed to any third party contracted in such agent capacity, any person acting exclusively on behalf of a retail electric supplier on condition that exclusivity is disclosed to any third party contracted in such agent capacity, any person or entity representing a municipal"; and
on page 3, line 19, by replacing "kilowatt-hour," with "kilowatt-hour, and the total anticipated cost,"; and
on page 5, immediately below line 6, by inserting the following:
"A public redacted version of the verified report may be submitted to the Commission along with a proprietary version. The public redacted version may redact from the verified report the name or names of every certified electricity supplier contained in the report to protect against disclosure of competitively sensitive market share information. The information shall be afforded proprietary treatment for 2 years after the date of the filing of the verified report.".

The foregoing motion prevailed and Amendment No. 3 was adopted.

There being no further amendments, the foregoing Amendments numbered 1, 2 and 3 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 5152. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Disability Services, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5152 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as Brian's Law.

Section 5. Legislative Findings.

(a) As a result of decades of significant under-funding of Illinois' developmental disabilities and mental health service delivery system, the quality of life of individuals with disabilities has been negatively impacted and, in an unacceptable number of instances, has resulted in serious health consequences and even death.

(b) In response to growing concern over the safety of the State-operated developmental disability facilities, following a series of resident deaths, the agency designated by the Governor pursuant to the Protection and Advocacy for Developmentally Disabled Persons Act (hereinafter the P & A agency) opened a systematic investigation to examine all such deaths for a period of time, including the death of a young man in his twenties, Brian Kent, at Ann M. Kiley Center in Waukegan, Illinois on October 30, 2002 and released a public report, "Life and Death in State-Operated Developmental Disability Institutions," which included findings and recommendations aimed at preventing such tragedies in the future.

(c) The documentation of substandard medical care and treatment of individual residents living in the State-operated facilities cited in that report necessitate that the State of Illinois take immediate action to prevent further injuries and deaths.

(d) The P & A agency has also reviewed conditions and deaths of individuals with disabilities living in or transferred to community-based facilities and found similar problems in some of those settings.

(e) The circumstances associated with deaths in both State-operated facilities and community-based facilities, and review of the State's investigations and findings regarding these incidents, demonstrate that the current federal and state oversight and investigatory systems are seriously under-funded and are also not performing adequately at this time.

(f) An effective mortality review process enables state service systems to focus on individual deaths and consider the broader issues, policies, and practices that may contribute to these tragedies. This critical information, when shared with public and private facilities, can help to reduce circumstances that place individuals at high risk of serious harm and even death.

(g) The purpose of this Act is to establish within the Department of Human Services a low-cost, volunteer-based mortality review process conducted by an independent team of experts that will enhance the health and safety of the individuals served by Illinois' developmental disability and mental health

service delivery systems.

(h) This independent team of experts will be comparable to 2 existing types of oversight teams: the Abuse Prevention Review Team created under the jurisdiction of the Department of Public Health to examine the deaths of individuals living in long-term care facilities, and Child Death Review Teams created under the jurisdiction of the Department of Children and Family Services to review the deaths of children.

Section 10. Mortality Review Process.

(a) The Department of Human Services shall develop an independent team of experts from the private sector to examine all deaths at State-operated developmental disability and mental health facilities and community-based developmental disability and mental health facilities licensed by or under the jurisdiction of the Department of Human Services.

(b) The Secretary of Human Services, in consultation with the Director of Public Health, shall appoint members to the independent team of experts, which shall consist of at least one member from each of the following categories:

1. Physicians experienced in providing medical care to individuals with developmental disabilities.
2. Physicians experienced in providing medical care to individuals with mental illness.
3. Representatives of the Department of Human Services who are not employed at the facility at which the death occurred.
4. Representatives of the Department of Public Health.
5. State's Attorneys or State's Attorneys' representatives.
6. Representatives of local law enforcement agencies.
7. Representatives of the Illinois Attorney General.
8. Psychologists or psychiatrists.
9. Representatives of local health departments.
10. Representatives of a social service or health care agency that provides services to persons with developmental disabilities and whose accreditation to provide such services is recognized by the Division of Developmental Disabilities within the Department of Human Services.
11. Representatives of a social service or health care agency that provides services to persons with mental illness and whose accreditation to provide such services is recognized by the Division of Mental Health within the Department of Human Services.
12. Representatives of an advocacy organization for persons with developmental disabilities.
13. Representatives of an advocacy organization for persons with mental illness.
14. Coroners or forensic pathologists.
15. Representatives of local hospitals, trauma centers, or providers of emergency medical services.
16. Representatives of the P & A agency.

The Secretary of Human Services shall appoint additional teams if the Secretary or the existing team determines that more teams are necessary to accomplish the purposes of this Act. The members of a team shall be appointed for 2-year staggered terms and shall be eligible for reappointment upon the expiration of their terms. Each independent team shall select a Chairperson from among its members.

(c) The independent team of experts shall examine the deaths of all individuals who have died while under the care of a State-operated developmental disability or mental health facility or a community-based developmental disability or mental health facility licensed by or under the jurisdiction of the Department of Human Services.

(d) The purpose of the independent team of experts' examination of such deaths is to do the following:

1. Assist in determining the cause and manner of the individual's death, when requested.
2. Review all actions taken by the facility, State agencies, or other entities to address the cause or causes of death and the adequacy of medical care and treatment.
3. Evaluate the means, if any, by which the death might have been prevented.
4. Report its findings to the Secretary of Human Services and make recommendations that may help to reduce the number of unnecessary deaths.
5. Promote continuing education for professionals involved in investigating and preventing the unnecessary deaths of individuals under the care of a State-operated developmental disability or mental health facility or a community-based developmental disability or mental health facility licensed by or under the jurisdiction of the Department of Human Services.

6. Make specific recommendations to the Secretary of Human Services concerning the prevention of unnecessary deaths of individuals under the care of these facilities, including changes in policies and practices that will prevent harm to individuals with disabilities, and the establishment of protocols for investigating the deaths of these individuals.

(e) The independent team of experts must examine the cases submitted to it on a quarterly basis. The team shall meet at least once in each calendar quarter if there are cases to be examined. The Department of Human Services shall forward cases within 90 days after completion of a review or an investigation into the death of an individual residing at a State-operated mental health or developmental disability facility or a community-based mental health or developmental disability facility licensed by or under the jurisdiction of the Department of Human Services.

(f) Within 90 days after receiving recommendations made by the independent team of experts under subsection (d) of this Section, the Secretary of Human Services must review those recommendations, as feasible and appropriate, and shall respond to the team in writing to explain the implementation of those recommendations.

(g) In any instance in which the independent team does not operate in accordance with established protocol, the Secretary of Human Services shall take any necessary actions to bring the team into compliance with the protocol.

Section 15. Independent team of experts' access to information.

(a) The Secretary of Human Services shall provide to the independent team of experts, on the request of the team Chairperson, all records and information in the Department's possession that are relevant to the team's examination of a death of the sort described in subsection (c) of Section 10, including records and information concerning previous reports or investigations of any matter, as determined by the team.

(b) The independent team shall have access to all records and information that are relevant to its review of a death and in the possession of a State or local governmental agency. These records and information shall include, without limitation, death certificates, all relevant medical and mental health records, records of law enforcement agency investigations, records of coroner or medical examiner investigations, records of the Department of Corrections concerning a person's parole, records of a probation and court services department, and records of a social services agency that provided services to the person who died.

Section 20. Public access to and confidentiality of information.

(a) Meetings of the independent team of experts shall be closed to the public.

(b) Records and information provided to the independent team of experts are confidential. Nothing contained in this subsection (b) prevents the sharing or disclosure of records, other than those produced by the independent team, relating or pertaining to the death of an individual.

(c) Members of the independent team of experts are not subject to examination, in any civil or criminal proceeding, concerning information presented to members of the team or opinions formed by members of the team based on that information. A person may, however, be examined concerning information provided to the team that is otherwise available to the public.

(d) Records and information produced by the team are not subject to discovery or subpoena and are not admissible as evidence in any civil or criminal proceeding. Those records and information are, however, subject to discovery or a subpoena, and are admissible as evidence to the extent they are otherwise available to the public.

Section 25. Indemnification. The State shall indemnify and hold harmless members of the independent team for all their acts, omissions, decisions, or other conduct arising out of the scope of their service on the team, except those involving willful or wanton misconduct. The method of providing indemnification shall be as provided in the State Employee Indemnification Act.

Section 30. Department's annual report. The Department of Human Services shall include in its annual report to the General Assembly a report of the activities of the independent team of experts, the results of the team's findings, categories of members of the team as provided in Section 10 of this Act which are currently vacant, recommendations made by the team to the Governor, State agencies, or other entities, and, as applicable, either (i) the implementation of the recommendations or (ii) the reasons the recommendations were not implemented.

Section 35. Rights information. The Department of Human Services shall include in its annual report to the General Assembly a report of the activities of the independent team of experts, the results of the team's findings, categories of members of the team as provided in Section 10 of this Act which are currently vacant, recommendations made by the team to the Governor, State agencies, or other entities, and, as applicable, either (i) the implementations of the recommendations or (ii) the reasons the recommendations were not implemented.

Section 90. The Open Meetings Act is amended by changing Section 2 as follows:

(5 ILCS 120/2) (from Ch. 102, par. 42)

Sec. 2. Open meetings.

(a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.

(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.

(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(7) The sale or purchase of securities, investments, or investment contracts.

(8) Security procedures and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member.

(13) Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement.

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence.

(16) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member.

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals for a hospital, or other institution providing medical care, that is operated

by the public body.

(18) Deliberations for decisions of the Prisoner Review Board.

(19) Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act.

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Government Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

(22) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.

(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.

(24) Meetings of a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(25) Meetings of an independent team of experts under Brian's Law.

(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.

"Quasi-adjudicative body" means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.

(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.

(Source: P.A. 94-931, eff. 6-26-06; 95-185, eff. 1-1-08.)

Section 95. The Freedom of Information Act is amended by changing Section 7.5 as follows:

(5 ILCS 140/7.5)

Sec. 7.5. Statutory Exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) 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.

(d) 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.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) 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.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(k) 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.

(l) 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.

(m) 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.

(n) 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 (n) 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.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) 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.

(q) Information prohibited from being disclosed by the Personnel Records Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) Records and information provided to an independent team of experts under Brian's Law.

(Source: P.A. 96-542, eff. 1-1-10.)

(405 ILCS 5/5-100A rep.)

Section 98. The Mental Health and Developmental Disabilities Code is amended by repealing Section 5-100A.".

Representative Nekritz offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 5152, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Developmental Disability and Mental Health Safety Act or Brian's Law.

Section 5. Legislative Findings. The General Assembly finds all of the following:

(a) As a result of decades of significant under-funding of Illinois' developmental disabilities and mental health service delivery system, the quality of life of individuals with disabilities has been negatively impacted and, in an unacceptable number of instances, has resulted in serious health consequences and even death.

(b) In response to growing concern over the safety of the State-operated developmental disability facilities, following a series of resident deaths, the agency designated by the Governor pursuant to the Protection and Advocacy for Developmentally Disabled Persons Act opened a systemic investigation to examine all such deaths for a period of time, including the death of a young man in his twenties, Brian Kent, on October 30, 2002, and released a public report, "Life and Death in State-Operated Developmental Disability Institutions," which included findings and recommendations aimed at preventing such tragedies in the future.

(c) The documentation of substandard medical care and treatment of individual residents living in the State-operated facilities cited in that report necessitate that the State of Illinois take immediate action to prevent further injuries and deaths.

(d) The agency designated by the Governor pursuant to the Protection and Advocacy for Developmentally Disabled Persons Act has also reviewed conditions and deaths of individuals with disabilities living in or transferred to community-based facilities and found similar problems in some of those settings.

(e) The circumstances associated with deaths in both State-operated facilities and community-based

facilities, and review of the State's investigations and findings regarding these incidents, demonstrate that the current federal and State oversight and investigatory systems are seriously under-funded.

(f) An effective mortality review process enables state service systems to focus on individual deaths and consider the broader issues, policies, and practices that may contribute to these tragedies. This critical information, when shared with public and private facilities, can help to reduce circumstances that place individuals at high risk of serious harm and even death.

(g) The purpose of this Act is to establish within the Department of Human Services a low-cost, volunteer-based mortality review process conducted by an independent team of experts that will enhance the health and safety of the individuals served by Illinois' developmental disability and mental health service delivery systems.

(h) This independent team of experts will be comparable to 2 existing types of oversight teams: the Abuse Prevention Review Team created under the jurisdiction of the Department of Public Health, which examines deaths of individuals living in long-term care facilities, and Child Death Review Teams created under the jurisdiction of the Department of Children and Family Services, which reviews the deaths of children.

Section 10. Definitions. As used in this Act:

"Community agency" means (i) a community agency licensed, funded, or certified by the Department of Human Services, but not licensed or certified by any other human services agency of the State, to provide developmental disabilities service or mental health service or (ii) a program licensed, funded, or certified by the Department of Human Services, but not licensed or certified by any other human services agency of the State, to provide developmental disabilities service or mental health service.

"Facility" means a developmental disabilities facility or mental health facility operated by the Department of Human Services.

Section 15. Mortality Review Process.

(a) The Department of Human Services shall develop an independent team of experts from the academic, private, and public sectors to examine all deaths at facilities and community agencies.

(b) The Secretary of Human Services, in consultation with the Director of Public Health, shall appoint members to the independent team of experts, which shall consist of at least one member from each of the following categories:

1. Physicians experienced in providing medical care to individuals with developmental disabilities.
2. Physicians experienced in providing medical care to individuals with mental illness.
3. Registered nurses experienced in providing medical care to individuals with developmental disabilities.
4. Registered nurses experienced in providing medical care to individuals with mental illness.
5. Psychiatrists.
6. Psychologists.
7. Representatives of the Department of Human Services who are not employed at the facility at which the death occurred.
8. Representatives of the Department of Public Health.
9. Representatives of the agency designated by the Governor pursuant to the Protection and Advocacy for Developmentally Disabled Persons Act.
10. State's Attorneys or State's Attorneys' representatives.
11. Coroners or forensic pathologists.
12. Representatives of local hospitals, trauma centers, or providers of emergency medical services.
13. Other categories of persons, as the Secretary of Human Services may see fit.

The independent team of experts may make recommendations to the Secretary of Human Services concerning additional appointments. Each team member must have demonstrated experience and an interest in investigating, treating, or preventing the deaths of individuals with disabilities. The Secretary of Human Services shall appoint additional teams if the Secretary or the existing team determines that more teams are necessary to accomplish the purposes of this Act. The members of a team shall be appointed for 2-year staggered terms and shall be eligible for reappointment upon the expiration of their terms. Each independent team shall select a Chairperson from among its members.

(c) The independent team of experts shall examine the deaths of all individuals who have died while under the care of a facility or community agency.

(d) The purpose of the independent team of experts' examination of such deaths is to do the following:

1. Review the cause and manner of the individual's death.

2. Review all actions taken by the facility, State agencies, or other entities to address the cause or causes of death and the adequacy of medical care and treatment.

3. Evaluate the means, if any, by which the death might have been prevented.

4. Report its observations and conclusions to the Secretary of Human Services and make recommendations that may help to reduce the number of unnecessary deaths.

5. Promote continuing education for professionals involved in investigating and preventing the unnecessary deaths of individuals under the care of a facility or community agency.

6. Make specific recommendations to the Secretary of Human Services concerning the prevention of unnecessary deaths of individuals under the care of facilities and community agencies, including changes in policies and practices that will prevent harm to individuals with disabilities, and the establishment of protocols for investigating the deaths of these individuals.

(e) The independent team of experts must examine the cases submitted to it on a quarterly basis. The team shall meet at least once in each calendar quarter if there are cases to be examined. The Department of Human Services shall forward cases within 90 days after completion of a review or an investigation into the death of an individual residing at a facility or community agency.

(f) Within 90 days after receiving recommendations made by the independent team of experts under subsection (d) of this Section, the Secretary of Human Services must review those recommendations, as feasible and appropriate, and shall respond to the team in writing to explain the implementation of those recommendations.

(g) The Secretary of Human Services shall establish protocols governing the operation of the independent team. Those protocols shall include the creation of sub-teams to review the case records or portions of the case records and report to the full team. The members of a sub-team shall be composed of team members specially qualified to examine those records. In any instance in which the independent team does not operate in accordance with established protocol, the Secretary of Human Services shall take any necessary actions to bring the team into compliance with the protocol.

Section 20. Independent team of experts' access to information.

(a) The Secretary of Human Services shall provide to the independent team of experts, on the request of the team Chairperson, all records and information in the Department's possession that are relevant to the team's examination of a death of the sort described in subsection (c) of Section 10, including records and information concerning previous reports or investigations of any matter, as determined by the team.

(b) The independent team shall have access to all records and information that are relevant to its review of a death and in the possession of a State or local governmental agency or other entity. These records and information shall include, without limitation, death certificates, all relevant medical and mental health records, records of law enforcement agency investigations, records of coroner or medical examiner investigations, records of the Department of Corrections concerning a person's parole, records of a probation and court services department, and records of a social services agency that provided services to the person who died.

Section 25. Public access to and confidentiality of information.

(a) Meetings of the independent team of experts shall be closed to the public.

(b) Records and information provided to the independent team of experts are confidential. Nothing contained in this subsection (b) prevents the sharing or disclosure of records, other than those produced by the independent team, relating or pertaining to the death of an individual.

(c) Members of the independent team of experts are not subject to examination, in any civil or criminal proceeding, concerning information presented to members of the team or opinions formed by members of the team based on that information. A person may, however, be examined concerning information provided to the team that is otherwise available to the public.

(d) Records and information produced by the team are not subject to discovery or subpoena and are not admissible as evidence in any civil or criminal proceeding. Those records and information are, however, subject to discovery or a subpoena, and are admissible as evidence to the extent they are otherwise available to the public.

Section 30. Indemnification. The State shall indemnify and hold harmless members of the independent team for all their acts, omissions, decisions, or other conduct arising out of the scope of their service on the team, except those involving willful or wanton misconduct. The method of providing indemnification shall be as provided in the State Employee Indemnification Act.

Section 35. Department's annual report. The Department of Human Services shall include in its annual

report to the General Assembly a report of the activities of the independent team of experts, the results of the team's observations and conclusions, categories of members of the team as prescribed in Section 10 of this Act which are currently vacant, recommendations made by the team to the Governor, State agencies, or other entities, and, as applicable, either (i) the implementation of the recommendations or (ii) the reasons the recommendations were not implemented.

Section 40. Rights information. The Department of Human Services shall ensure that individuals with disabilities and their guardians and families receive sufficient information regarding their rights, including the right to be safe, the right to be free from abuse and neglect, the right to receive quality services, and the right to an adequate discharge plan and timely transition to the least restrictive setting to meet their individual needs and desires. The Department shall provide this information, which shall be developed in collaboration with the agency designated by the Governor pursuant to the Protection and Advocacy for Developmentally Disabled Persons Act, in order to allow individuals with disabilities and their guardians and families to make informed decisions regarding the provision of services that can meet the individual's needs and desires. The Department shall provide this information to all facilities and community agencies to be made available upon admission and at least annually thereafter for as long as the individual remains in the facility.

Section 90. The Open Meetings Act is amended by changing Section 2 as follows:

(5 ILCS 120/2) (from Ch. 102, par. 42)

Sec. 2. Open meetings.

(a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.

(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.

(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(7) The sale or purchase of securities, investments, or investment contracts.

(8) Security procedures and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management

information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member.

(13) Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement.

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence.

(16) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member.

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals for a hospital, or other institution providing medical care, that is operated by the public body.

(18) Deliberations for decisions of the Prisoner Review Board.

(19) Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act.

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Government Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

(22) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.

(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.

(24) Meetings of a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(25) Meetings of an independent team of experts under Brian's Law.

(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.

"Quasi-adjudicative body" means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.

(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.

(Source: P.A. 94-931, eff. 6-26-06; 95-185, eff. 1-1-08.)

Section 95. The Freedom of Information Act is amended by changing Section 7.5 as follows:

(5 ILCS 140/7.5)

Sec. 7.5. Statutory Exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the

Library Records Confidentiality Act.

(c) 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.

(d) 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.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) 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.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(k) 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.

(l) 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.

(m) 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.

(n) 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 (n) 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.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) 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.

(q) Information prohibited from being disclosed by the Personnel Records Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) Records and information provided to an independent team of experts under Brian's Law.

(Source: P.A. 96-542, eff. 1-1-10.)

Section 100. The State Employee Indemnification Act is amended by changing Section 1 as follows:

(5 ILCS 350/1) (from Ch. 127, par. 1301)

Sec. 1. Definitions. For the purpose of this Act:

(a) The term "State" means the State of Illinois, the General Assembly, the court, or any State office, department, division, bureau, board, commission, or committee, the governing boards of the public institutions of higher education created by the State, the Illinois National Guard, the Comprehensive Health Insurance Board, any poison control center designated under the Poison Control System Act that receives State funding, or any other agency or instrumentality of the State. It does not mean any local public entity as that term is defined in Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity Act or a pension fund.

(b) The term "employee" means any present or former elected or appointed officer, trustee or employee of the State, or of a pension fund, any present or former commissioner or employee of the Executive Ethics Commission or of the Legislative Ethics Commission, any present or former Executive, Legislative, or Auditor General's Inspector General, any present or former employee of an Office of an Executive,

Legislative, or Auditor General's Inspector General, any present or former member of the Illinois National Guard while on active duty, individuals or organizations who contract with the Department of Corrections, the Comprehensive Health Insurance Board, or the Department of Veterans' Affairs to provide services, individuals or organizations who contract with the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services including but not limited to treatment and other services for sexually violent persons, individuals or organizations who contract with the Department of Military Affairs for youth programs, individuals or organizations who contract to perform carnival and amusement ride safety inspections for the Department of Labor, individual representatives of or designated organizations authorized to represent the Office of State Long-Term Ombudsman for the Department on Aging, individual representatives of or organizations designated by the Department on Aging in the performance of their duties as elder abuse provider agencies or regional administrative agencies under the Elder Abuse and Neglect Act, individuals or organizations who perform volunteer services for the State where such volunteer relationship is reduced to writing, individuals who serve on any public entity (whether created by law or administrative action) described in paragraph (a) of this Section, individuals or not for profit organizations who, either as volunteers, where such volunteer relationship is reduced to writing, or pursuant to contract, furnish professional advice or consultation to any agency or instrumentality of the State, individuals who serve as foster parents for the Department of Children and Family Services when caring for a Department ward, individuals who serve as members of an independent team of experts under Brian's Law, and individuals who serve as arbitrators pursuant to Part 10A of Article II of the Code of Civil Procedure and the rules of the Supreme Court implementing Part 10A, each as now or hereafter amended, but does not mean an independent contractor except as provided in this Section. The term includes an individual appointed as an inspector by the Director of State Police when performing duties within the scope of the activities of a Metropolitan Enforcement Group or a law enforcement organization established under the Intergovernmental Cooperation Act. An individual who renders professional advice and consultation to the State through an organization which qualifies as an "employee" under the Act is also an employee. The term includes the estate or personal representative of an employee.

(c) The term "pension fund" means a retirement system or pension fund created under the Illinois Pension Code.

(Source: P.A. 93-617, eff. 12-9-03.)

(405 ILCS 5/5-100A rep.)

Section 105. The Mental Health and Developmental Disabilities Code is amended by repealing Section 5-100A.

Section 110. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Section 7 as follows:

(740 ILCS 110/7) (from Ch. 91 1/2, par. 807)

Sec. 7. Review of therapist or agency; use of recipient's record.

(a) When a therapist or agency which provides services is being reviewed for purposes of licensure, statistical compilation, research, evaluation, or other similar purpose, a recipient's record may be used by the person conducting the review to the extent that this is necessary to accomplish the purpose of the review, provided that personally identifiable data is removed from the record before use. Personally identifiable data may be disclosed only with the consent obtained under Section 5 of this Act. Licensure and the like may not be withheld or withdrawn for failure to disclose personally identifiable data if consent is not obtained.

(b) When an agency which provides services is being reviewed for purposes of funding, accreditation, reimbursement or audit by a State or federal agency or accrediting body, a recipient's record may be used by the person conducting the review and personally identifiable information may be disclosed without consent, provided that the personally identifiable information is necessary to accomplish the purpose of the review.

For the purpose of this subsection, an inspection investigation or site visit by the United States Department of Justice regarding compliance with a pending consent decree is considered an audit by a federal agency.

(c) An independent team of experts under Brian's Law ~~The Mental Health and Developmental Disabilities Medical Review Board~~ shall be entitled to inspect and copy the records of any recipient whose death is being examined by such a team pursuant to the mortality review process authorized by Brian's Law. Information disclosed under this subsection may not be redisclosed without the written consent of one of the persons identified in Section 4 of this Act.

(Source: P.A. 88-484.)".

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 advanced to the order of Third Reading.

HOUSE BILL 4990. Having been recalled on March 11, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Bost offered and withdrew Amendment No. 2.

Representative Bost offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend House Bill 4990 by replacing everything after the enacting clause with the following:

"Section 5. The Emergency Telephone System Act is amended by changing Sections 10, 11, and 15.4 and by adding Sections 2.21, 2.22, and 2.23 as follows:

(50 ILCS 750/2.21 new)

Sec. 2.21. Next generation 9-1-1 (NG9-1-1). "Next generation 9-1-1" or "(NG9-1-1)" means a system comprised of managed Internet Protocol-based networks and elements that augment or replace present day 9-1-1 features and functions and add new capabilities, which may enable the public to transmit text, images, video, or data, or a combination thereof, to the 9-1-1 system.

(50 ILCS 750/2.22 new)

Sec. 2.22. Regional Pilot Project to implement next generation 9-1-1. "Regional Pilot Project" to implement next generation 9-1-1 means an experimental program designed to test the efficacy of next generation 9-1-1 (NG9-1-1) within a region that includes not less than 15 counties and not more than 19 counties with an aggregate population no greater than 500,000. Any Regional Pilot Project must be approved by the Commission and provide for an initial testing phase designed to demonstrate the ability of the technology to provide access to emergency services from new and existing sources with no reduction in existing service quality, reliability, or safety.

(50 ILCS 750/2.23 new)

Sec. 2.23. Qualified governmental entity. "Qualified governmental entity" means a unit of local government authorized to provide 9-1-1 services pursuant to the Emergency Telephone System Act where no emergency telephone system board exists.

(50 ILCS 750/10) (from Ch. 134, par. 40)

Sec. 10. Technical and operational standards for the development of the local agency systems shall be established and reviewed by the Commission on or before December 31, 1979, after consultation with all agencies specified in Section 9.

For the limited purpose of permitting a board, a qualified governmental entity, a group of boards, or a group of governmental entities to participate in a Regional Pilot Project to implement next generation 9-1-1, as defined in this Act, the Commission may forbear from applying any rule adopted under the Emergency Telephone Systems Act as it applies to conducting of the Regional Pilot Project to implement next generation 9-1-1, if the Commission determines, after notice and hearing, that:

(1) enforcement of the rule is not necessary to ensure the development and improvement of emergency communication procedures and facilities in such a manner as to be able to quickly respond to any person requesting 9-1-1 service from police, fire, medical, rescue, and other emergency services;

(2) enforcement of the rule or provision is not necessary for the protection of consumers; and

(3) forbearance from applying the provisions or rules is consistent with the public interest.

The Commission may exercise such forbearance with respect to one, and only one, Regional Pilot Project to implement next generation 9-1-1.

If the Commission authorizes a Regional Pilot Project, then telecommunications carriers shall not be liable for any civil damages as a result of any act or omission, except willful or wanton misconduct, in connection with developing, adopting, operating, or implementing any plan or system required by this Section and Section 11 of this Act.

(Source: P.A. 79-1092.)

(50 ILCS 750/11) (from Ch. 134, par. 41)

Sec. 11. Within one year after the implementation date or by January 31, 1980, whichever is later, all public agencies in a county having 100,000 or more inhabitants shall submit tentative plans of the establishment of a system required by this Act to the public utility or utilities providing public telephone service within the respective jurisdiction of each public agency. A copy of each such plan shall be filed with the Commission.

Within 2 years after the implementation date or by January 31, 1982, whichever is later, all public agencies in a county having 100,000 or more inhabitants shall submit final plans for the establishment of the system to such utilities, and shall make arrangements with such utilities for the implementation of the planned emergency telephone system no later than 3 years after the implementation date or by December 31, 1985, whichever is later. A copy of the plan required by this subdivision shall be filed with the Commission. In order to secure compliance with the standards promulgated under Section 10, the Commission shall have the power to approve or disapprove such plan, unless such plan was announced before the effective date of this Act.

If any public agency has implemented or is a part of a system required by this Act on a deadline specified in this Section, such public agency shall submit in lieu of the tentative or final plan a report describing the system and stating its operational date.

A board, a qualified governmental entity, a group of boards, or a group of qualified governmental entities involved in a Regional Pilot Project to implement next generation 9-1-1, as defined in this Act, shall submit a plan to the Commission describing in detail the Regional Pilot Project no fewer than 180 days prior to the implementation of the plan. The Commission may approve the plan after notice and hearing to authorize such Regional Pilot Project. Such shall not exceed one year duration or other time period approved by the Commission. No entity may proceed with the Regional Pilot Project until it receives Commission approval. In approving any plan for a Regional Pilot Project under this Section, the Commission may impose such terms, conditions, or requirements as, in its judgment, are necessary to protect the interests of the public.

The Commission shall have authority to approve one, and only one, Regional Pilot Project to implement next generation 9-1-1.

Plans filed under this Section shall conform to minimum standards established pursuant to Section 10. (Source: P.A. 81-1122.)

(50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

Sec. 15.4. Emergency Telephone System Board; powers.

(a) The corporate authorities of any county or municipality that imposes a surcharge under Section 15.3 shall establish an Emergency Telephone System Board. The corporate authorities shall provide for the manner of appointment and the number of members of the Board, provided that the board shall consist of not fewer than 5 members, one of whom must be a public member who is a resident of the local exchange service territory included in the 9-1-1 coverage area, one of whom (in counties with a population less than 100,000) must be a member of the county board, and at least 3 of whom shall be representative of the 9-1-1 public safety agencies, including but not limited to police departments, fire departments, emergency medical services providers, and emergency services and disaster agencies, and appointed on the basis of their ability or experience. In counties with a population of more than 100,000 but less than 2,000,000, a member of the county board may serve on the Emergency Telephone System Board. Elected officials, including members of a county board, are also eligible to serve on the board. Members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses. Any 2 or more municipalities, counties, or combination thereof, that impose a surcharge under Section 15.3 may, instead of establishing individual boards, establish by intergovernmental agreement a Joint Emergency Telephone System Board pursuant to this Section. The manner of appointment of such a joint board shall be prescribed in the agreement.

(b) The powers and duties of the board shall be defined by ordinance of the municipality or county, or by intergovernmental agreement in the case of a joint board. The powers and duties shall include, but need not be limited to the following:

(1) Planning a 9-1-1 system.

(2) Coordinating and supervising the implementation, upgrading, or maintenance of the system, including the establishment of equipment specifications and coding systems.

(3) Receiving moneys from the surcharge imposed under Section 15.3, and from any other source, for deposit into the Emergency Telephone System Fund.

(4) Authorizing all disbursements from the fund.

(5) Hiring any staff necessary for the implementation or upgrade of the system.

(6) Participating in a Regional Pilot Project to implement next generation 9-1-1, as defined in this Act, subject to the conditions set forth in this Act.

(c) All moneys received by a board pursuant to a surcharge imposed under Section 15.3 shall be deposited into a separate interest-bearing Emergency Telephone System Fund account. The treasurer of the municipality or county that has established the board or, in the case of a joint board, any municipal or county treasurer designated in the intergovernmental agreement, shall be custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund except upon the direction of the board by resolution passed by a majority of all members of the board. Expenditures may be made only to pay for the costs associated with the following:

(1) The design of the Emergency Telephone System.

(2) The coding of an initial Master Street Address Guide data base, and update and maintenance thereof.

(3) The repayment of any moneys advanced for the implementation of the system.

(4) The charges for Automatic Number Identification and Automatic Location Identification equipment, a computer aided dispatch system that records, maintains, and integrates information, mobile data transmitters equipped with automatic vehicle locators, and maintenance, replacement and update thereof to increase operational efficiency and improve the provision of emergency services.

(5) The non-recurring charges related to installation of the Emergency Telephone System and the ongoing network charges.

(6) The acquisition and installation, or the reimbursement of costs therefor to other governmental bodies that have incurred those costs, of road or street signs that are essential to the implementation of the emergency telephone system and that are not duplicative of signs that are the responsibility of the jurisdiction charged with maintaining road and street signs.

(7) Other products and services necessary for the implementation, upgrade, and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing, or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an emergency telephone system do not include the costs of public safety agency personnel who are and equipment that is dispatched in response to an emergency call.

(8) In the case of a municipality that imposes a surcharge under subsection (h) of Section 15.3, moneys may also be used for any anti-terrorism or emergency preparedness measures, including, but not limited to, preparedness planning, providing local matching funds for federal or State grants, personnel training, and specialized equipment, including surveillance cameras as needed to deal with natural and terrorist-inspired emergency situations or events.

(9) The defraying of expenses incurred in participation in a Regional Pilot Project to implement next generation 9-1-1, subject to the conditions set forth in this Act.

Moneys in the fund may also be transferred to a participating fire protection district to reimburse volunteer firefighters who man remote telephone switching facilities when dedicated 9-1-1 lines are down.

(d) The board shall complete the data base before implementation of the 9-1-1 system. The error ratio of the data base shall not at any time exceed 1% of the total data base.

(Source: P.A. 95-698, eff. 1-1-08; 95-806, eff. 1-1-09; 95-1012, eff. 12-15-08; revised 1-18-10.)

Section 7. The Wireless Emergency Telephone Safety Act is amended by changing Section 25 as follows:

(50 ILCS 751/25)

(Section scheduled to be repealed on April 1, 2013)

Sec. 25. Wireless Service Emergency Fund; distribution of moneys. Within 60 days after the effective date of this Act, wireless carriers shall submit to the Illinois Commerce Commission the number of wireless subscribers by zip code and the 9-digit zip code of the wireless subscribers, if currently being used or later implemented by the carrier.

The Illinois Commerce Commission shall, subject to appropriation, make monthly proportional grants to the appropriate emergency telephone system board or qualified governmental entity based upon the United States Postal Zip Code of the wireless subscriber's billing address. No matching funds shall be required from grant recipients.

If the Illinois Commerce Commission is notified of an area of overlapping jurisdiction, grants for that area shall be made based upon reference to an official Master Street Address Guide to the emergency telephone system board or qualified governmental entity whose public service answering points provide

wireless 9-1-1 service in that area. The emergency telephone system board or qualified governmental entity shall provide the Illinois Commerce Commission with a valid copy of the appropriate Master Street Address Guide. The Illinois Commerce Commission does not have a duty to verify jurisdictional responsibility.

In the event of a subscriber billing address being matched to an incorrect jurisdiction by the Illinois Commerce Commission, the recipient, upon notification from the Illinois Commerce Commission, shall redirect the funds to the correct jurisdiction. The Illinois Commerce Commission shall not be held liable for any damages relating to an act or omission under this Act, unless the act or omission constitutes gross negligence, recklessness, or intentional misconduct.

In the event of a dispute between emergency telephone system boards or qualified governmental entities concerning a subscriber billing address, the Illinois Commerce Commission shall resolve the dispute.

The Illinois Commerce Commission shall maintain detailed records of all receipts and disbursements and shall provide an annual accounting of all receipts and disbursements to the Auditor General.

The Illinois Commerce Commission shall adopt rules to govern the grant process.

The Illinois Commerce Commission must conduct a study to determine the future technological and financial needs of the wireless 9-1-1 systems ~~The Illinois Commerce Commission may also use moneys in the Wireless Service Emergency Fund for the purpose of conducting a study to determine the future technological and financial needs of the wireless 9-1-1 systems~~. The ~~A~~ study shall include input from the telecommunications industry, the Illinois National Emergency Number Association, and the public safety community. The Illinois Commerce Commission may use moneys in the Wireless Service Emergency Fund for the purpose of conducting the study. The Illinois Commerce Commission must report its findings and recommendations to the General Assembly within one year after the effective date of this amendatory Act of the 96th General Assembly.

(Source: P.A. 95-698, eff. 1-1-08.)

Section 10. The Public Utilities Act is amended by adding Section 13-900.1 as follows:

(220 ILCS 5/13-900.1 new)

Sec. 13-900.1. Regulatory flexibility for 9-1-1 system providers.

(a) For purposes of this Section, "Regional Pilot Project" to implement next generation 9-1-1 has the same meaning as that term is defined in Section 2.22 of the Emergency Telephone System Act.

(b) For the limited purpose of a Regional Pilot Project to implement next generation 9-1-1, as defined in Section 13-900 of this Article, the Commission may forbear from applying any rule or provision of Section 13-900 as it applies to implementation of the Regional Pilot Project to implement next generation 9-1-1 if the Commission determines, after notice and hearing, that: (1) enforcement of the rule is not necessary to ensure the development and improvement of emergency communication procedures and facilities in such a manner as to be able to quickly respond to any person requesting 9-1-1 services from police, fire, medical, rescue, and other emergency services; (2) enforcement of the rule or provision is not necessary for the protection of consumers; and (3) forbearance from applying such provisions or rules is consistent with the public interest. The Commission may exercise such forbearance with respect to one, and only one, Regional Pilot Project as authorized by Sections 10 and 11 of the Emergency Telephone Systems Act to implement next generation 9-1-1.

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

The foregoing motion prevailed and Amendment No. 3 was adopted.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

HOUSE BILL 5483. Having been recalled on March 23, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Kosel offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend House Bill 5483, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 2, in line 5, by replacing "next" with "second subsequent".

The foregoing motion prevailed and Amendment No. 3 was adopted.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

HOUSE BILL 6391. Having been reproduced, was taken up and read by title a second time.

Floor Amendment No. 1 remained in the Committee on Computer Technology.

Representative McAsey offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 6391 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 27-13.3 as follows:

(105 ILCS 5/27-13.3)

Sec. 27-13.3. Internet safety education curriculum.

(a) The purpose of this Section is to inform and protect students from inappropriate or illegal communications and solicitation and to encourage school districts to provide education about Internet threats and risks, including without limitation child predators, fraud, and other dangers.

(b) The General Assembly finds and declares the following:

(1) it is the policy of this State to protect consumers and Illinois residents from deceptive and unsafe communications that result in harassment, exploitation, or physical harm;

(2) children have easy access to the Internet at home, school, through electronic communication devices, and public places;

(3) the Internet is used by sexual predators and other criminals to make initial contact with children and other vulnerable residents in Illinois; ~~and~~

(3.5) the Internet and electronic communication devices can be used to harass or exploit minors through transmitted images or text messages; and

(4) education is an effective method for preventing children from falling prey to online predators, identity theft, harassment and exploitation by peers, and other dangers.

(c) Each school may adopt an age-appropriate curriculum for Internet safety instruction of students in grades kindergarten through 12. However, beginning with the 2009-2010 school year, a school district must incorporate into the school curriculum a component on Internet safety to be taught at least once each school year to students in grades 3 through 12. The school board shall determine the scope and duration of this unit of instruction. Beginning with the 2010-2011 school year, a school district must include in the age-appropriate curriculum topics regarding the appropriate use of electronic communication devices, including, but not limited to, the risks and consequences of dissemination and transmission of sexually explicit images and video. The age-appropriate unit of instruction may be incorporated into the current courses of study regularly taught in the district's schools, as determined by the school board, and it is recommended that the unit of instruction include the following topics:

(1) Safe and responsible use of social networking websites, chat rooms, electronic mail, bulletin boards, instant messaging, and other means of communication on the Internet.

(2) Recognizing, avoiding, and reporting online solicitations of students, their classmates, and their friends by sexual predators.

(3) Risks of transmitting personal information on the Internet.

(4) Recognizing and avoiding unsolicited or deceptive communications received online.

(5) Recognizing and reporting online harassment and cyber-bullying.

(6) Reporting illegal activities and communications on the Internet.

(7) Copyright laws on written materials, photographs, music, and video.

(d) Curricula devised in accordance with subsection (c) of this Section may be submitted for review to the Office of the Illinois Attorney General.

(e) The State Board of Education shall make available resource materials for educating children regarding child online safety and may take into consideration the curriculum on this subject developed by other states, as well as any other curricular materials suggested by education experts, child psychologists, or technology companies that work on child online safety issues. Materials may include without limitation safe online communications, privacy protection, cyber-bullying, viewing inappropriate material, file sharing, the dissemination and transmission of images and video, and the importance of open communication with responsible adults. The State Board of Education shall make these resource materials

available on its Internet website.
(Source: P.A. 95-509, eff. 8-28-07; 95-869, eff. 1-1-09; 96-734, eff. 8-25-09.)
Section 99. Effective date. This Act takes effect July 1, 2010.".

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

## RECALL

At the request of the principal sponsor, Representative Jakobsson, HOUSE BILL 5859 was recalled from the order of Third Reading to the order of Second Reading.

## HOUSE BILLS ON SECOND READING

HOUSE BILL 5859. Having been recalled on March 24, 2010, the same was again taken up.
Representative Jakobsson offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 5859 as follows:
on page 4, by replacing lines 6 through 20 with the following:
"Notwithstanding any other provision of this Code and subject to federal approval, the Department may adopt rules to allow a dentist who is volunteering his or her service at no cost to render dental services through an enrolled not-for-profit health clinic without the dentist personally enrolling as a participating provider in the medical assistance program. A not-for-profit health clinic shall include a public health clinic or Federally Qualified Health Center or other enrolled provider, as determined by the Department, through which dental services covered under this Section are performed. The Department shall establish a process for payment of claims for reimbursement for covered dental services rendered under this provision."; and
on page 19, by replacing lines 2 through 16 with the following:
"Notwithstanding any other provision of this Code and subject to federal approval, the Department may adopt rules to allow a dentist who is volunteering his or her service at no cost to render dental services through an enrolled not-for-profit health clinic without the dentist personally enrolling as a participating provider in the medical assistance program. A not-for-profit health clinic shall include a public health clinic or Federally Qualified Health Center or other enrolled provider, as determined by the Department, through which dental services covered under this Section are performed. The Department shall establish a process for payment of claims for reimbursement for covered dental services rendered under this provision.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: HOUSE BILL 6379.

HOUSE BILL 6202. Having been reproduced, was taken up and read by title a second time.
The following amendment was offered in the Committee on Renewable Energy, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 6202 by replacing everything after the enacting clause with the following:
"Section 5. The Public Utilities Act is amended by adding Section 16-107.7 as follows:
(220 ILCS 5/16-107.7 new)

Sec. 16-107.7. Net Metering Task Force.

(a) The General Assembly finds and declares all of the following:

(1) In Public Act 95-420, the General Assembly found and declared that a program to provide net electricity metering can (i) encourage private investment in renewable energy resources, (ii) stimulate economic growth, (iii) enhance the continued diversification in Illinois' energy resource mix, and (iv) protect the Illinois environment.

(2) The General Assembly restates and affirms these principles, but finds that net metering in Illinois has been slow to develop and is primarily utilized by customers operating eligible systems with a nameplate rating of 40 kilowatts and below.

(3) The Illinois net metering program provides retail rate net metering for systems with a nameplate rating of 40 kilowatts and below. Thirty-six other states have net metering programs in which systems with nameplate ratings larger than 40 kilowatts are eligible. Eighteen of these states have net metering programs in which systems of 1,000 kilowatts or higher are eligible.

(4) States that have expanded net metering to cover systems above 40 kilowatts have experienced more significant capital investment and a higher rate of growth in renewable energy jobs than Illinois.

(5) The General Assembly finds that it is in the public's best interest to establish a task force to evaluate net metering programs experiences in other states, examine the barriers to net metering development in Illinois, and recommend changes to the statutes concerning Illinois net metering.

(b) The General Assembly establishes the Net Metering Task Force comprised of 10 members to be appointed no later than July 1, 2010 in the following manner:

(1) one member appointed by the President of the Senate;

(2) one member appointed by the Minority Leader of the Senate;

(3) one member appointed by the Speaker of the House of Representatives;

(4) one member appointed by the Minority Leader of the House of Representatives;

(5) one member appointed by the Attorney General; and

(6) 5 members appointed by the Governor including one representative from the Office of the Governor, one representative from the Illinois Commerce Commission, one representative from the Citizens Utility Board, one representative from the environmental community, and one representative from the electric utilities.

The Governor shall name a chairperson from among the Task Force appointees.

(c) No later than January 1, 2011, the Task Force shall submit a report to the General Assembly recommending legislative and programmatic changes to the existing net metering law that shall be necessary to overcome existing barriers to net metering development in this State.

(d) The Task Force report shall include, at a minimum, discussion of the following topics:

(1) net metering policies and experiences from other states;

(2) the effects associated with expanded net metering development in Illinois, including its impact on renewable and diversified energy development, economic development, job growth, peak electricity consumption, grid operation and maintenance, and the environment;

(3) any existing barriers to net metering development in Illinois;

(4) legislation, policies, and other best practices that could overcome any existing barriers to net metering development in Illinois;

(5) the overall costs and rate impacts, if any, associated with implementing these policies, including taking into account the associated benefits of net metering development in Illinois; and

(6) specific recommendations for amending Illinois' net metering program to:

(A) allow participation of commercial and industrial customers operating larger renewable energy systems;

(B) allow participation by renters and occupants of multi-tenant residential and commercial buildings;

(C) allow aggregation of meters by farmers, school districts, units of local government, and other customers that have more than one electric meter; and

(D) allow participation under shared-investment and community ownership models.

(e) The Illinois Commerce Commission shall provide administrative support for the Task Force.

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

Representative Burns offered the following amendment and moved its adoption:

AMENDMENT NO. 2 . Amend House Bill 6202, AS AMENDED, by replacing everything after the

enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 16-107.7 as follows:

(220 ILCS 5/16-107.7 new)

Sec. 16-107.7. Net Metering Task Force.

(a) The General Assembly finds and declares all of the following:

(1) In Public Act 95-420, the General Assembly found and declared that a program to provide net electricity metering can (i) encourage private investment in renewable energy resources, (ii) stimulate economic growth, (iii) enhance the continued diversification in Illinois' energy resource mix, and (iv) protect the Illinois environment.

(2) The Illinois net metering program provides retail rate net metering for systems with a nameplate rating of 40 kilowatts and below.

(3) The General Assembly finds that it is in the public's best interest to establish a task force to study and evaluate net metering program experiences in other states, examine the status of net metering in Illinois, and determine whether any changes to the statutes concerning Illinois net metering are necessary.

(b) The General Assembly establishes the Net Metering Task Force comprised of 16 members to be appointed no later than August 2, 2010 in the following manner:

(1) one member appointed by the President of the Senate;

(2) one member appointed by the Minority Leader of the Senate;

(3) one member appointed by the Speaker of the House of Representatives;

(4) one member appointed by the Minority Leader of the House of Representatives;

(5) one member appointed by the Attorney General; and

(6) 11 members appointed by the Governor, including one representative from the Office of the Governor, one representative from the Illinois Commerce Commission, one representative of the Illinois Power Agency, one representative from the Department of Commerce and Economic Opportunity, one representative from the Citizens Utility Board, one representative from a membership organization representing alternative retail electric suppliers, one representative from the environmental community, one representative from an Illinois public utility serving 2 million or more retail electric customers, one representative from 3 legally affiliated Illinois public utilities serving fewer than 2 million retail electric customers, one representative from a membership organization representing Illinois public utilities, and one representative from a membership organization representing Illinois retail merchants.

The Governor shall name a chairperson from among the Task Force appointees.

(c) No later than March 1, 2011, the Task Force shall submit a report to the General Assembly concerning the status of net metering in Illinois and whether any legislative and programmatic changes to the existing net metering law are necessary. The Chairperson of the Task Force shall submit a draft report to each of the members of the Task Force at least 30 days before submitting the required report to the General Assembly. The members of the Task Force shall discuss the draft report and record any votes taken on its contents. The draft report receiving the approval of a majority of those appointed to the Task Force shall be submitted to the General Assembly. Any Task Force member voting not to approve the Task Force report shall be allowed to submit a minority report for inclusion in the Task Force report. The Task Force report to the General Assembly shall include all minority reports submitted to the Chairperson within 10 business days after the day the Task Force approves the required report.

(d) The Task Force report shall include, at a minimum, discussion of the following topics:

(1) net metering policies and experiences from other states;

(2) the effects associated with expanded net metering development in Illinois, including its impact on renewable and diversified energy development, economic development, job growth, peak electricity consumption, grid operation and maintenance, and the environment;

(3) any uneconomic existing barriers to net metering development in Illinois;

(4) whether legislation, policies, and other best practices should be implemented to address uneconomic barriers to net metering development in Illinois;

(5) the overall consumer costs and rate impacts, if any, associated with implementing these policies, including taking into account the associated benefits of net metering development in Illinois; and

(6) an evaluation of the current net metering law to determine how well it is functioning among the participating utilities.

(e) The Illinois Commerce Commission shall provide administrative support for the Task Force.

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

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 advanced to the order of Third Reading.

## RECALL

At the request of the principal sponsor, Representative Burns, HOUSE BILL 6462 was recalled from the order of Third Reading to the order of Second Reading.

## HOUSE BILLS ON SECOND READING

HOUSE BILL 6462. Having been recalled on March 24, 2010, the same was again taken up.
Representative Burns offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 6462, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 3, by replacing lines 22 through 24 with the following:
"misdemeanor. Solicitation of a sexual act from a person who is under the age of 18 or who is severely or profoundly mentally retarded is a Class 2 felony.

(b-5) It is an affirmative defense to a charge of solicitation of a sexual act with a person who is under the age of 18 or who is severely or profoundly mentally retarded that the accused reasonably believed the person was of the age of 18 years or over or was not a severely or profoundly mentally retarded person at the time of the act giving rise to the charge."; and
on page 11, line 6, by inserting after the period the following:
"A person cannot be convicted of pimping under this Section if the practice of prostitution underlying such offense consists exclusively of the accused's own acts of prostitution under Section 11-14 of this Code.".

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

HOUSE BILL 6129. Having been reproduced, was taken up and read by title a second time.
Representative Burns offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 6129 on page 4, by replacing lines 17 through 24 with the following:
"(h) A statement, admission, confession, or incriminating information made by or obtained from a minor related to the instant offense, as part of any behavioral health screening, assessment, evaluation, or treatment, whether or not court-ordered, shall not be admissible as evidence against the minor on the issue of guilt only in the instant juvenile court proceeding. The provisions of this subsection (h) are in addition to and do not override any existing statutory and constitutional prohibition on the admission into evidence in delinquency proceedings of information obtained during screening, assessment, or treatment.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 6080. Having been recalled on March 18, 2010, and held on the order of Second Reading, the same was again taken up.

Floor Amendment No. 1 remained in the Committee on Adoption Reform.

Representative Feigenholtz offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 6080 by replacing everything after the enacting clause with the following:

"Section 5. The Adoption Act is amended by changing Section 10 as follows:

(750 ILCS 50/10) (from Ch. 40, par. 1512)

Sec. 10. Forms of consent and surrender; execution and acknowledgment thereof. A. The form of consent required for the adoption of a born child shall be substantially as follows:

FINAL AND IRREVOCABLE CONSENT TO ADOPTION

I, ...., (relationship, e.g., mother, father, relative, guardian) of ...., a ..male child, state:

That such child was born on .... at ....

That I reside at ...., County of .... and State of ....

That I am of the age of .... years.

That I hereby enter my appearance in this proceeding and waive service of summons on me.

That I hereby acknowledge that I have been provided with a copy of the Birth Parent Rights and Responsibilities-Private Form before signing this Consent and that I have had time to read, or have had read to me, this Form. I understand that if I do not receive any of the rights as described in this Form, it shall not constitute a basis to revoke this Final and Irrevocable Consent.

That I do hereby consent and agree to the adoption of such child.

That I wish to and understand that by signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to such child.

That I understand such child will be placed for adoption and that I cannot under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over such child. That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

.....

If under Section 8 the consent of more than one person is required, then each such person shall execute a separate consent.

A-1. (1) The form of the Final and Irrevocable Consent to Adoption by a Specified Person or Persons: Non-DCFS Case set forth in this subsection A-1 is to be used by legal parents only. This form is not to be used in cases in which there is a pending petition under Section 2-13 of the Juvenile Court Act of 1987.

(2) The form of the Final and Irrevocable Consent to Adoption by a Specified Person or Persons in a non-DCFS case shall have the caption of the proceeding in which it is to be filed and shall be substantially as follows:

FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY
A SPECIFIED PERSON OR PERSONS; NON-DCFS CASE

I, ...., (relationship, e.g., mother, father) of ...., a ..male child, state:

1. That such child was born on .... at .....City ... and State of....

2. That I reside at ...., County of .... and State of ....

3. That I am of the age of .... years.

4. That I hereby enter my appearance in this proceeding and waive service of summons on me.

5. That I hereby acknowledge that I have been provided a copy of the Birth Parent Rights and Responsibilities-Private Form before signing this Consent and that I have had time to read, or have had read to me, this Form and that I understand the Rights and Responsibilities described in this Form. I understand that if I do not receive any of my rights as described in said Form, it shall not constitute a basis to revoke this Final and Irrevocable Consent to Adoption by a Specified Person.

6. That I do hereby consent and agree to the adoption of such child by .... (specified persons) only.

7. That I wish to and understand that upon signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to such child if such child is adopted by .... (specified person or persons). I hereby transfer all of my rights to the custody, care and control of such child to ..... (specified person or persons).

8. That I understand such child will be adopted by ..... (specified person or persons) and that I cannot under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over such child if ..... (specified

person or persons) adopt(s) such child; PROVIDED that each specified person has filed or shall file, within 60 days from the date hereof, a petition for the adoption of such child.

9. That if the specified person or persons designated herein do not file a petition for adoption within the time-frame specified above, or, if said petition for adoption is filed within the time-frame specified above but the adoption petition is dismissed with prejudice or the adoption proceeding is otherwise concluded without an order declaring the child to be the adopted child of the specified person or persons, then I understand that I may request the Court to declare this consent voidable and return the child to me. I further understand that the Court will make the final decision of whether or not the child will be returned to me.

10. That I understand that I must request the return of the child to me within 10 business days from the date that written notice is sent to me. If I do not make such request within 10 business days of the date of the notice, then I expressly waive any other notice or service of process in any legal proceeding for the adoption of the child.

11. That I expressly acknowledge that nothing in this Consent impairs the validity and absolute finality of this Consent under any circumstance other than those described in paragraph 9 of this Consent.

12. That I understand that I have a remaining duty and obligation to keep ..... (insert name and address of the attorney for the specified person or persons) informed of my current address or other preferred contact information until this adoption has been finalized. My failure to do so may result in the termination of my parental rights and the child being placed for adoption in another home.

13. That I do expressly waive any other notice or service of process in any of the legal proceedings for the adoption of the child as long as the adoption proceeding by the specified person or persons is pending.

14. That I have read and understand the above and I am signing it as my free and voluntary act.

15. That I acknowledge that this consent is valid even if the specified person or persons separate or divorce or one of the specified persons dies prior to the entry of the final judgment for adoption.

Dated (insert date).

.....

Signature of parent

.....

Address of parent

.....

Phone number(s) of parent

.....

Personal email(s) of parent

(3) The form of the certificate of acknowledgement for a Final and Irrevocable Consent for Adoption by a Specified Person or Persons: Non-DCFS Case shall be substantially as follows:

STATE OF.....)
_____) SS.
COUNTY OF.....)

I, ..... (Name of Judge or other person), ..... (official title, name, and address), certify that ....., personally known to me to be the same person whose name is subscribed to the foregoing Final and Irrevocable Consent for Adoption by a Specified Person or Persons; non-DCFS case, appeared before me this day in person and acknowledged that (she)(he) signed and delivered the consent as (her)(his) free and voluntary act, for the specified purpose. I am further satisfied that, before signing this Consent, ..... has read, or has had read to him or her, the Birth Parent Rights and Responsibilities-Private Form.

A-2. Birth Parent Rights and Responsibilities-Private Form. The Birth Parent Rights and Responsibilities-Private Form must be read by, or have been read to, any person executing a Final and Irrevocable Consent to Adoption under subsection A, a Final and Irrevocable Consent to Adoption by a Specified Person or Persons: Non-DCFS Case under subsection A-1, or a Consent to Adoption of Unborn Child under subsection B prior to the execution of said Consent. The form of the Birth Parent Rights and Responsibilities-Private Form shall be substantially as follows:

Birth Parent Rights and Responsibilities-Private Form

As a birth parent in the State of Illinois, you have the right:

1. To have your own attorney represent you. The prospective adoptive parents may agree to pay for the cost of your attorney in a manner consistent with Illinois law, but they are not required to do so.

2. To be treated with dignity and respect at all times and to make decisions free from coercion and pressure.

3. To receive counseling before and after signing a Final and Irrevocable Consent to Adoption

("Consent"), a Final and Irrevocable Consent to Adoption by a Specified Person or Persons: Non-DCFS Case ("Specified Consent"), or a Consent to Adoption of Unborn Child ("Unborn Consent"). The prospective adoptive parents may agree to pay for the cost of counseling in a manner consistent with Illinois law, but they are not required to do so.

4. To ask to be involved in choosing your child's prospective adoptive parents and to ask to meet them.

5. To ask your child's prospective adoptive parents any questions that pertain to your decision to place your child with them.

6. To see your child before signing a Consent or Specified Consent.

7. To request contact with your child and/or the child's prospective adoptive parents, with the understanding that any promises regarding contact with your child or receipt of information about the child after signing a Consent, Specified Consent, or Unborn Consent cannot be enforced under Illinois law.

8. To receive copies of all documents that you sign and have those documents provided to you in your preferred language.

9. To request that your identifying information remain confidential, unless required otherwise by Illinois law or court order, and to register with the Illinois Adoption Registry and Medical Information Exchange.

10. To work with an adoption agency or attorney of your choice, or change said agency or attorney, provided you promptly inform all of the parties currently involved.

11. To receive, upon request, a written list of any promised support, financial or otherwise, from your attorney or the attorney for your child's prospective adoptive parents.

12. To delay signing a Consent, Specified Consent, or Unborn Consent if you are not ready to do so.

13. To decline to sign a Consent, Specified Consent, or Unborn Consent even if you have received financial support from the prospective adoptive parents.

If you do not receive any of the rights described in this Form, it shall not be a basis to revoke a Consent, Specified Consent, or Unborn Consent.

As a Birth Parent in the State of Illinois, you have the responsibility:

1. To carefully consider your reasons for choosing adoption.

2. To provide all known medical background and family information about yourself and your immediate family to your child's prospective adoptive parents or their attorney.

3. (Birth mothers only) To accurately complete an Affidavit of Identification, which identifies the father of the child when known, with the understanding that a birth mother has a right to decline to identify the birth father.

4. To not accept financial support or reimbursement of pregnancy related expenses simultaneously from more than one source.

B. The form of consent required for the adoption of an unborn child shall be substantially as follows:

CONSENT TO ADOPTION OF UNBORN CHILD

I, ...., state:

That I am the father of a child expected to be born on or about .... to .... (name of mother).

That I reside at .... County of ...., and State of .....

That I am of the age of .... years.

That I hereby enter my appearance in such adoption proceeding and waive service of summons on me.

That I hereby acknowledge that I have been provided with a copy of the Birth Parent Rights and Responsibilities-Private Form before signing this Consent, and that I have had time to read, or have had read to me, this Form. I understand that if I do not receive any of the rights as described in this Form, it shall not constitute a basis to revoke this Consent to Adoption of Unborn Child.

That I do hereby consent and agree to the adoption of such child, and that I have not previously executed a consent or surrender with respect to such child.

That I wish to and do understand that by signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to such child, except that I have the right to revoke this consent by giving written notice of my revocation not later than 72 hours after the birth of the child.

That I understand such child will be placed for adoption and that, except as hereinabove provided, I cannot under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over such child.

That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

.....

B-5. (1) The parent of a child may execute a consent to standby adoption by a specified person or persons. A consent under this subsection B-5 shall be acknowledged by a parent pursuant to subsection H

and subsection K of this Section. The form of consent required for the standby adoption of a born child effective at a future date when the consenting parent of the child dies or requests that a final judgment of adoption be entered shall be substantially as follows:

FINAL AND IRREVOCABLE CONSENT
TO STANDBY ADOPTION

I, ..., (relationship, e.g. mother or father) of ...., a ..male child, state:

That the child was born on .... at .....

That I reside at ...., County of ...., and State of .....

That I am of the age of .... years.

That I hereby enter my appearance in this proceeding and waive service of summons on me in this action only.

That I do hereby consent and agree to the standby adoption of the child, and that I have not previously executed a consent or surrender with respect to the child.

That I wish to and understand that by signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to the child, effective upon (my death) (the child's other parent's death) or upon (my) (the other parent's) request for the entry of a final judgment for adoption if ..... (specified person or persons) adopt my child.

That I understand that until (I die) (the child's other parent dies), I retain all legal rights and obligations concerning the child, but at that time, I irrevocably give all custody and other parental rights to .... (specified person or persons).

I understand my child will be adopted by ..... (specified person or persons) only and that I cannot, under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over my child if ..... (specified person or persons) adopt my child.

I understand that this consent to standby adoption is valid only if the petition for standby adoption is filed and that if ..... (specified person or persons), for any reason, cannot or will not file a petition for standby adoption or if his, her, or their petition for standby adoption is denied, then this consent is void. I have the right to notice of any other proceeding that could affect my parental rights.

That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

.....

If under Section 8 the consent of more than one person is required, then each such person shall execute a separate consent. A separate consent shall be executed for each child.

(2) If the parent consents to a standby adoption by 2 specified persons, then the form shall contain 2 additional paragraphs in substantially the following form:

If .... (specified persons) obtain a judgment of dissolution of marriage before the judgment for adoption is entered, then ..... (specified person) shall adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody of my child if ..... (specified persons) obtain a judgment of dissolution of marriage and ..... (specified person) adopts my child. I understand that I cannot change my mind and revoke this consent if ..... (specified persons) obtain a judgment of dissolution of marriage before the adoption is final. I understand that this consent to adoption has no effect on who will get custody of my child if ..... (specified persons) obtain a judgment of dissolution of marriage after the adoption is final. I understand that if either ..... (specified persons) dies before the petition to adopt my child is granted, then the surviving person may adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody of my child if the surviving person adopts my child.

A consent to standby adoption by specified persons on this form shall have no effect on a court's determination of custody or visitation under the Illinois Marriage and Dissolution of Marriage Act if the marriage of the specified persons is dissolved before the adoption is final.

(3) The form of the certificate of acknowledgement for a Final and Irrevocable Consent for Standby Adoption shall be substantially as follows:

STATE OF .....)
) SS.
COUNTY OF ....)

I, ..... (name of Judge or other person) ..... (official title, name, and address), certify that ....., personally

known to me to be the same person whose name is subscribed to the foregoing Final and Irrevocable Consent to Standby Adoption, appeared before me this day in person and acknowledged that (she) (he) signed and delivered the consent as (her) (his) free and voluntary act, for the specified purpose.

I have fully explained that this consent to adoption is valid only if the petition to adopt is filed, and that if the specified person or persons, for any reason, cannot or will not adopt the child or if the adoption petition is denied, then this consent will be void. I have fully explained that if the specified person or persons adopt the child, by signing this consent (she) (he) is irrevocably and permanently relinquishing all parental rights to the child, and (she) (he) has stated that such is (her) (his) intention and desire.

Dated (insert date).

Signature.....

(4) If a consent to standby adoption is executed in this form, the consent shall be valid only if the specified person or persons adopt the child. The consent shall be void if:

(a) the specified person or persons do not file a petition for standby adoption of the child; or

(b) a court denies the standby adoption petition.

The parent shall not need to take further action to revoke the consent if the standby adoption by the specified person or persons does not occur, notwithstanding the provisions of Section 11 of this Act.

C. The form of surrender to any agency given by a parent of a born child who is to be subsequently placed for adoption shall be substantially as follows and shall contain such other facts and statements as the particular agency shall require.

FINAL AND IRREVOCABLE SURRENDER
FOR PURPOSES OF ADOPTION

I, .... (relationship, e.g., mother, father, relative, guardian) of ...., a ..male child, state:

That such child was born on ...., at .....

That I reside at ...., County of ...., and State of .....

That I am of the age of .... years.

That I do hereby surrender and entrust the entire custody and control of such child to the .... (the "Agency"), a (public) (licensed) child welfare agency with its principal office in the City of ...., County of .... and State of ...., for the purpose of enabling it to care for and supervise the care of such child, to place such child for adoption and to consent to the legal adoption of such child.

That I hereby grant to the Agency full power and authority to place such child with any person or persons it may in its sole discretion select to become the adopting parent or parents and to consent to the legal adoption of such child by such person or persons; and to take any and all measures which, in the judgment of the Agency, may be for the best interests of such child, including authorizing medical, surgical and dental care and treatment including inoculation and anaesthesia for such child.

That I wish to and understand that by signing this surrender I do irrevocably and permanently give up all custody and other parental rights I have to such child.

That I understand I cannot under any circumstances, after signing this surrender, change my mind and revoke or cancel this surrender or obtain or recover custody or any other rights over such child.

That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

.....

C-5. The form of a Final and Irrevocable Designated Surrender for Purposes of Adoption to any agency given by a parent of a born child who is to be subsequently placed for adoption shall be substantially as follows and shall contain such other facts and statements as the particular agency shall require:

FINAL AND IRREVOCABLE DESIGNATED SURRENDER
FOR PURPOSES OF ADOPTION

I, .... (relationship, e.g., mother, father, relative, guardian) of ...., a ..male child, state:

1. That such child was born on ...., at .....

2. That I reside at ...., County of ...., and State of .....

3. That I am of the age of .... years.

4. That I do hereby surrender and entrust the entire custody and control of such child to the .... (the "Agency"), a (public) (licensed) child welfare agency with its principal office in the City of ...., County of .... and State of ...., for the purpose of enabling it to care for and supervise the care of such child, to place such child for adoption with ..... (specified person or persons) and to consent to the legal adoption of such child and to take any and all measures which, in the judgment of the Agency, may be for the best interests of such child, including authorizing medical, surgical and dental care and treatment including inoculation and anesthesia for such child.

5. That I wish to and understand that by signing this surrender I do irrevocably and permanently give up all custody and other parental rights I have to such child.

6. That if the petition for adoption is not filed by the specified person or persons designated herein or, if the petition for adoption is filed but the adoption petition is dismissed with prejudice or the adoption proceeding is otherwise concluded without an order declaring the child to be the adopted child of each specified person, then I understand that the Agency will provide notice to me within 10 business days and that such notice will be directed to me using the contact information I have provided to the Agency. I understand that I will have 10 business days from the date that the Agency sends me its notice to respond, within which time I may choose to designate other adoptive parent(s). However, I acknowledge that the Agency has full power and authority to place the child for adoption with any person or persons it may in its sole discretion select to become the adopting parent or parents and to consent to the legal adoption of the child by such person or persons.

7. That I acknowledge that this surrender is valid even if the specified persons separate or divorce or one of the specified persons dies prior to the entry of the final judgment for adoption.

8. That I expressly acknowledge that the above paragraphs 6 and 7 do not impair the validity and absolute finality of this surrender under any circumstance.

9. That I understand that I have a remaining obligation to keep the Agency informed of my current contact information until the adoption of the child has been finalized if I wish to be notified in the event the adoption by the specified person(s) cannot proceed.

10. That I understand I cannot under any circumstances, after signing this surrender, change my mind and revoke or cancel this surrender or obtain or recover custody or any other rights over such child.

11. That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

.....

D. The form of surrender to an agency given by a parent of an unborn child who is to be subsequently placed for adoption shall be substantially as follows and shall contain such other facts and statements as the particular agency shall require.

SURRENDER OF UNBORN CHILD FOR
PURPOSES OF ADOPTION

I, .... (father), state:

That I am the father of a child expected to be born on or about .... to .... (name of mother).

That I reside at ...., County of ...., and State of .....

That I am of the age of .... years.

That I do hereby surrender and entrust the entire custody and control of such child to the .... (the "Agency"), a (public) (licensed) child welfare agency with its principal office in the City of ...., County of .... and State of ...., for the purpose of enabling it to care for and supervise the care of such child, to place such child for adoption and to consent to the legal adoption of such child, and that I have not previously executed a consent or surrender with respect to such child.

That I hereby grant to the Agency full power and authority to place such child with any person or persons it may in its sole discretion select to become the adopting parent or parents and to consent to the legal adoption of such child by such person or persons; and to take any and all measures which, in the judgment of the Agency, may be for the best interests of such child, including authorizing medical, surgical and dental care and treatment, including inoculation and anaesthesia for such child.

That I wish to and understand that by signing this surrender I do irrevocably and permanently give up all custody and other parental rights I have to such child.

That I understand I cannot under any circumstances, after signing this surrender, change my mind and revoke or cancel this surrender or obtain or recover custody or any other rights over such child, except that I have the right to revoke this surrender by giving written notice of my revocation not later than 72 hours after the birth of such child.

That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

.....

E. The form of consent required from the parents for the adoption of an adult, when such adult elects to obtain such consent, shall be substantially as follows:

CONSENT

I, ...., (father) (mother) of ...., an adult, state:

That I reside at ...., County of .... and State of .....

That I do hereby consent and agree to the adoption of such adult by .... and .....

Dated (insert date).

.....

F. The form of consent required for the adoption of a child of the age of 14 years or upwards, or of an adult, to be given by such person, shall be substantially as follows:

CONSENT

I, ...., state:

That I reside at ...., County of .... and State of ..... That I am of the age of .... years. That I consent and agree to my adoption by .... and .....

Dated (insert date).

.....

G. The form of consent given by an agency to the adoption by specified persons of a child previously surrendered to it shall set forth that the agency has the authority to execute such consent. The form of consent given by a guardian of the person of a child sought to be adopted, appointed by a court of competent jurisdiction, shall set forth the facts of such appointment and the authority of the guardian to execute such consent.

H. A consent (other than that given by an agency, or guardian of the person of the child sought to be adopted who was appointed by a court of competent jurisdiction) shall be acknowledged by a parent before a judge of a court of competent jurisdiction or, except as otherwise provided in this Act, before a representative of an agency, or before a person, other than the attorney for the prospective adoptive parent or parents, designated by a court of competent jurisdiction.

I. A surrender, or any other document equivalent to a surrender, by which a child is surrendered to an agency shall be acknowledged by the person signing such surrender, or other document, before a judge of a court of competent jurisdiction, or, except as otherwise provided in this Act, before a representative of an agency, or before a person designated by a court of competent jurisdiction.

J. The form of the certificate of acknowledgment for a consent, a surrender, or any other document equivalent to a surrender, shall be substantially as follows:

STATE OF ....)
) SS.
COUNTY OF ...)

I, .... (Name of judge or other person), .... (official title, name and location of court or status or position of other person), certify that ...., personally known to me to be the same person whose name is subscribed to the foregoing (consent) (surrender), appeared before me this day in person and acknowledged that (she) (he) signed and delivered such (consent) (surrender) as (her) (his) free and voluntary act, for the specified purpose.

I have fully explained that by signing such (consent) (surrender) (she) (he) is irrevocably relinquishing all parental rights to such child or adult and (she) (he) has stated that such is (her) (his) intention and desire. <u>(Add if Consent only) I am further satisfied that, before signing this Consent, ..... has read, or has had read to him or her, the Birth Parent Rights and Responsibilities-Private Form.</u>

Dated (insert date).

Signature .....

K. When the execution of a consent or a surrender is acknowledged before someone other than a judge, such other person shall have his or her signature on the certificate acknowledged before a notary public, in form substantially as follows:

STATE OF ....)
) SS.
COUNTY OF ...)

I, a Notary Public, in and for the County of ....., in the State of ....., certify that ...., personally known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgment, appeared before me in person and acknowledged that (she) (he) signed such certificate as (her) (his) free and voluntary act and that the statements made in the certificate are true.

Dated (insert date).

Signature ..... Notary Public
(official seal)

There shall be attached a certificate of magistracy, or other comparable proof of office of the notary public satisfactory to the court, to a consent signed and acknowledged in another state.

L. A surrender or consent executed and acknowledged outside of this State, either in accordance with the law of this State or in accordance with the law of the place where executed, is valid.

M. Where a consent or a surrender is signed in a foreign country, the execution of such consent shall be acknowledged or affirmed in a manner conformable to the law and procedure of such country.

N. If the person signing a consent or surrender is in the military service of the United States, the execution of such consent or surrender may be acknowledged before a commissioned officer and the signature of such officer on such certificate shall be verified or acknowledged before a notary public or by such other procedure as is then in effect for such division or branch of the armed forces.

O. (1) The parent or parents of a child in whose interests a petition under Section 2-13 of the Juvenile Court Act of 1987 is pending may, with the approval of the designated representative of the Department of Children and Family Services, execute a consent to adoption by a specified person or persons:

(a) in whose physical custody the child has resided for at least 6 months; or

(b) in whose physical custody at least one sibling of the child who is the subject of this consent has resided for at least 6 months, and the child who is the subject of this consent is currently residing in this foster home; or

(c) in whose physical custody a child under one year of age has resided for at least 3 months.

A consent under this subsection O shall be acknowledged by a parent pursuant to subsection H and subsection K of this Section.

(2) The consent to adoption by a specified person or persons shall have the caption of the proceeding in which it is to be filed and shall be substantially as follows:

FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY
A SPECIFIED PERSON OR PERSONS: DCFS CASE

I, ....., the ..... (mother or father) of a ....male child, state:

~~1.~~ My child ..... (name of child) was born on (insert date) at ..... Hospital in ..... County, State of .....

~~2.~~ I reside at ....., County of ..... and State of .....

~~3.~~ I, ....., am .... years old.

~~4.~~ I enter my appearance in this action to adopt my child by the person or persons specified herein by me and waive service of summons on me in this action only.

~~5.~~ I consent to the adoption of my child by ..... (specified person or persons) only.

~~6.~~ I wish to sign this consent and I understand that by signing this consent I irrevocably and permanently give up all parental rights I have to my child if my child is adopted by ..... (specified person or persons).

~~7.~~ I understand my child will be adopted by ..... (specified person or persons) only and that I cannot under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over my child if ..... (specified person or persons) adopt my child.

~~8.~~ I understand that this consent to adoption is valid only if the petition to adopt is filed within one year from the date that I sign it and that if ..... (specified person or persons), for any reason, cannot or will not file a petition to adopt my child within that one year period or if their adoption petition is denied, then this consent will be voidable after one year upon the timely filing of my motion. If I file this motion before the filing of the petition for adoption, I understand that the court shall revoke this specific consent. I have the right to notice of any other proceeding that could affect my parental rights, except for the proceeding for ..... (specified person or persons) to adopt my child.

~~9.~~ I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

.....

Signature of parent

(3) If the parent consents to an adoption by 2 specified persons, then the form shall contain 2 additional paragraphs in substantially the following form:

~~10.~~ If ..... (specified persons) get a divorce before the petition to adopt my child is granted, then ..... (specified person) shall adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody over my child if ..... (specified persons) divorce and ..... (specified person) adopts my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody over my child if ..... (specified

persons) divorce after the adoption is final. I understand that this consent to adoption has no effect on who will get custody of my child if they divorce after the adoption is final.

~~11.~~ I understand that if either ..... (specified persons) dies before the petition to adopt my child is granted, then the surviving person can adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody over my child if the surviving person adopts my child.

A consent to adoption by specified persons on this form shall have no effect on a court's determination of custody or visitation under the Illinois Marriage and Dissolution of Marriage Act if the marriage of the specified persons is dissolved after the adoption is final.

(4) The form of the certificate of acknowledgement for a Final and Irrevocable Consent for Adoption by a Specified Person or Persons: DCFS Case shall be substantially as follows:

STATE OF.....)
) SS.
COUNTY OF.....)

I, ..... (Name of Judge or other person), ..... (official title, name, and address), certify that ....., personally known to me to be the same person whose name is subscribed to the foregoing Final and Irrevocable Consent for Adoption by a Specified Person or Persons, appeared before me this day in person and acknowledged that (she)(he) signed and delivered the consent as (her)(his) free and voluntary act, for the specified purpose.

I have fully explained that this consent to adoption is valid only if the petition to adopt is filed within one year from the date that it is signed, and that if the specified person or persons, for any reason, cannot or will not adopt the child or if the adoption petition is denied, then this consent will be voidable after one year upon the timely filing of a motion by the parent to revoke the consent. I explained that if this motion is filed before the filing of the petition for adoption, the court shall revoke this specific consent. I have fully explained that if the specified person or persons adopt the child, by signing this consent this parent is irrevocably and permanently relinquishing all parental rights to the child, and this parent has stated that such is (her)(his) intention and desire.

Dated (insert date).

.....

Signature

(5) If a consent to adoption by a specified person or persons is executed in this form, the following provisions shall apply. The consent shall be valid only if that specified person or persons adopt the child. The consent shall be voidable after one year if:

(a) the specified person or persons do not file a petition to adopt the child within one year after the consent is signed and the parent files a timely motion to revoke this consent. If this motion is filed before the filing of the petition for adoption the court shall revoke this consent; or

(b) a court denies the adoption petition; or

(c) the Department of Children and Family Services Guardianship Administrator determines that the specified person or persons will not or cannot complete the adoption, or in the best interests of the child should not adopt the child.

Within 30 days of the consent becoming void, the Department of Children and Family Services Guardianship Administrator shall make good faith attempts to notify the parent in writing and shall give written notice to the court and all additional parties in writing that the adoption has not occurred or will not occur and that the consent is void. If the adoption by a specified person or persons does not occur, no proceeding for termination of parental rights shall be brought unless the biological parent who executed the consent to adoption by a specified person or persons has been notified of the proceeding pursuant to Section 7 of this Act or subsection (4) of Section 2-13 of the Juvenile Court Act of 1987. The parent shall not need to take further action to revoke the consent if the specified adoption does not occur, notwithstanding the provisions of Section 11 of this Act.

(6) The Department of Children and Family Services is authorized to promulgate rules necessary to implement this subsection O.

(7) The Department shall collect and maintain data concerning the efficacy of specific consents. This data shall include the number of specific consents executed and their outcomes, including but not limited to the number of children adopted pursuant to the consents, the number of children for whom adoptions are not completed, and the reason or reasons why the adoptions are not completed.

P. If the person signing a consent is incarcerated or detained in a correctional facility, prison, jail, detention center, or other comparable institution, either in this State or any other jurisdiction, the execution of such consent may be acknowledged before social service personnel of such institution, or before a person designated by a court of competent jurisdiction.

Q. A consent may be acknowledged telephonically, via audiovisual connection, or other electronic means, provided that a court of competent jurisdiction has entered an order approving the execution of the consent in such manner and has designated an individual to be physically present with the parent executing such consent in order to verify the identity of the parent.

R. An agency whose representative is acknowledging a consent pursuant to this Section shall be a public child welfare agency, or a child welfare agency, or a child placing agency that is authorized or licensed in the State or jurisdiction in which the consent is signed.

(Source: P.A. 96-601, eff. 8-21-09.)

Section 99. Effective date. This Act takes effect January 1, 2011.".

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

Representative Feigenholtz offered the following amendment and moved its adoption.

AMENDMENT NO. 4. Amend House Bill 6080, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 9, line 24, immediately after "attorney.", by inserting the following:

"For the health of your child, you are strongly encouraged, but not required, to provide all known medical, background, and family history information about yourself and your family to your child's prospective adoptive parents or their attorney.".

The foregoing motions prevailed and Amendments numbered 2 and 4 were adopted.

There being no further amendments, the foregoing Amendments numbered 2 and 4 were ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

HOUSE BILL 5241. Having been recalled on March 23, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Bellock offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 5241 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Section 5-2.01 as follows:

(305 ILCS 5/5-2.01 new)

Sec. 5-2.01. Medicaid accountability through transparency program.

(a) Internet-based transparency program. The Director of the Department of Healthcare and Family Services shall be authorized to implement a program under which the Director shall make available through the Department's public Internet website information on medical claims reimbursed under the State's medical assistance program insofar as such information has been de-identified in accordance with regulations promulgated pursuant to the Illinois Health Insurance Portability and Accountability Act. In implementing the program, the Director shall ensure the following:

(1) The information made so available shall be in a format that is easily accessible, useable, and understandable to the public, including individuals interested in improving the quality of care provided to individuals eligible for items and services under this Article, researchers, health care providers, and individuals interested in reducing the prevalence of waste and fraud under this Article.

(2) The information made so available shall be as current as deemed practical by the Director and shall be updated at least once per calendar quarter.

(3) The information made so available shall be aggregated to a level to ensure patient confidentiality, but shall, to the extent feasible, allow for posting of information by provider or vendor name and county, number of individuals served, total patient visits, payment for bills submitted, average cost for bills submitted, adjustments to payments, and total amounts paid.

(4) The Director periodically solicits comments from a sampling of individuals who access the information through the program on how to best improve the utility of the program.

(b) Use of contractor. For purposes of implementing the program under subsection (a) of this Section and ensuring the information made available through the program is periodically updated, the Director may select and enter into a contract with a public or private entity meeting the criteria and qualifications the Director determines appropriate.

(c) Annual Reports. Not later than 12 months after the effective date of this amendatory Act of the 96th General Assembly and annually thereafter, the Director shall submit to the General Assembly a report on the status of the program authorized under subsection (a). The report shall include details including, but not limited to, the estimated or actual costs of developing and maintaining the reporting system, the actual or potential benefit or adverse consequences associated with the system, and, if applicable, the extent to which information made available through the program is accessed and the extent to which comments received under paragraph (4) of subsection (a) of this Section were used to improve the utility of the program.

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

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

HOUSE BILL 5126. Having been reproduced, was taken up and read by title a second time.

Representative Pihos offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 5126 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 22-60 as follows:

(105 ILCS 5/22-60 new)

Sec. 22-60. Student services personnel; confidentiality.

(a) In this Section, "confidential communication" means any communication made by a student who is a recipient of school counseling, school psychological, or school social work services, including services provided by a school counselor intern working under the supervision of a school counselor, a school psychologist intern working under the supervision of a school psychologist, or a school social worker intern working under the supervision of a school social worker. "Confidential communication" includes the fact that a student is a recipient of school counseling, school psychological, or school social work services. "Confidential communication" does not include (i) academic or career counseling information that is available to the general public or (ii) in the case of a student with an individualized education program (IEP) or a Section 504 plan (under the federal Rehabilitation Act of 1973), general information about a student's progress on IEP or Section 504 plan goals and benchmarks shared with the school district's IEP or Section 504 plan team or individual members of the IEP or Section 504 team for the purpose of developing or revising goals and benchmarks.

(b) With the exception of information described in subsection (c) of this Section, any confidential communication disclosed by a student to a school counselor, school psychologist, or school social worker or to a school counselor intern working under the supervision of a school counselor, a school psychologist intern working under the supervision of a school psychologist, or a school social work intern working under the supervision of a school social worker may be disclosed only upon the execution of a written consent to the release of information that conforms with the requirements of the Mental Health and Developmental Disabilities Confidentiality Act and any other statute governing the release of confidential information applicable to the specific type of information for which disclosure is sought.

(c) Communications that would otherwise be confidential communications must be disclosed as follows:

(1) When there is reasonable cause to believe that failure to disclose confidential information would result in a clear and present danger to the health, safety, or welfare of the student or others.

(2) When disclosure is required by law.

(3) When disclosure is required by currently adopted standards of professional conduct and codes of ethics applicable respectively to school counselors, school psychologists, and school social workers.

(d) Access to student records is governed by the Illinois School Student Records Act.

(e) Nothing in this Section shall be construed to limit the school counselor or school counselor intern, the

school psychologist or school psychologist intern, or the school social worker or school social worker intern from conferring with other school staff, as appropriate, regarding modification of the student's academic program.

Section 90. The State Mandates Act is amended by adding Section 8.34 as follows:

(30 ILCS 805/8.34 new)

Sec. 8.34. 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 96th General Assembly.

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

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

## RECALL

At the request of the principal sponsor, Representative Tracy, HOUSE BILL 6140 was recalled from the order of Third Reading to the order of Second Reading.

## HOUSE BILLS ON SECOND READING

HOUSE BILL 6140. Having been recalled on March 24, 2010, the same was again taken up.

Representative Tracy offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 6140, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 6-205.5 as follows:

(625 ILCS 5/6-205.5 new)

Sec. 6-205.5. Suspension of driving privileges of person with outstanding warrant. Upon receipt of a properly completed and sworn affidavit, in a form prescribed by the Secretary of State that shall include, at a minimum, the person's name, address, and driver's license information, stating that the person has an outstanding warrant for a felony and a copy of the outstanding warrant for a felony from a law enforcement agency, the Secretary of State shall immediately suspend the driving privileges of the person. After the warrant is no longer outstanding, it shall be the responsibility of the person to apply to have his or her driving privileges restored in a form prescribed by the Secretary of State. The person applying to have his or her driving privileges reinstated shall also submit to the Secretary of State a certified copy of the court transcript demonstrating that the warrant is no longer outstanding.".

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

HOUSE BILL 4781. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Consumer Protection, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4781 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Debt Settlement Consumer Protection Act.

Section 5. Purpose and construction. The purpose of this Act is to protect consumers who enter into agreements with debt settlement providers and to regulate debt settlement providers. This Act shall be construed as a consumer protection law for all purposes. This Act shall be liberally construed to effectuate

its purpose.

Section 10. Definitions. As used in this Act:

"Consumer" means any person who purchases or contracts for the purchase of debt settlement services.

"Consumer settlement account" means any account or other means or device in which payments, deposits, or other transfers from a consumer are arranged, held, or transferred by or to a debt settlement provider for the accumulation of the consumer's funds in anticipation of proffering an adjustment or settlement of a debt or obligation of the consumer to a creditor on behalf of the consumer.

"Debt settlement provider" means any person or entity engaging in, or holding itself out as engaging in, the business of providing debt settlement service in exchange for any fee or compensation, or any person who solicits for or acts on behalf of any person or entity engaging in, or holding itself out as engaging in, the business of providing debt settlement service in exchange for any fee or compensation. "Debt settlement provider" does not include:

(1) attorneys licensed or otherwise authorized, to practice in Illinois who are engaged in the practice of law;

(2) escrow agents, accountants, broker dealers in securities, or investment advisors in securities, when acting in the ordinary practice of their professions and through the entity used in the ordinary practice of their profession;

(3) any bank, agent of a bank, operating subsidiary of a bank, affiliate of a bank, trust company, savings and loan association, savings bank, credit union, crop credit association, development credit corporation, industrial development corporation, title insurance company, title insurance agent, independent escrowee or insurance company operating or organized under the laws of a state or the United States, or any other person authorized to make loans under State law while acting in the ordinary practice of that business;

(4) any person who performs credit services for his or her employer while receiving a regular salary or wage when the employer is not engaged in the business of offering or providing debt settlement service;

(5) a collection agency licensed pursuant to the Collection Agency Act that is collecting a debt on its own behalf or on behalf of a third party;

(6) an organization that is described in Section 501(c)(3) and subject to Section 501(q) of Title 26 of the United States Code and exempt from tax under Section 501(a) of Title 26 of the United States Code and governed by the Debt Management Service Act;

(7) public officers while acting in their official capacities and persons acting under court order;

(8) any person while performing services incidental to the dissolution, winding up, or liquidating of a partnership, corporation, or other business enterprise; or

(9) persons licensed under the Real Estate License Act of 2000 when acting in the ordinary practice of their profession and not holding themselves out as debt settlement providers.

"Debt settlement service" means:

(1) offering to provide advice or service, or acting as an intermediary between or on behalf of a consumer and one or more of a consumer's creditors, where the primary purpose of the advice, service, or action is to obtain a settlement, adjustment, or satisfaction of the consumer's unsecured debt to a creditor in an amount less than the full amount of the principal amount of the debt or in an amount less than the current outstanding balance of the debt; or

(2) offering to provide services related to or providing services advising, encouraging, assisting, or counseling a consumer to accumulate funds for the primary purpose of proposing or obtaining or seeking to obtain a settlement, adjustment, or satisfaction of the consumer's unsecured debt to a creditor in an amount less than the full amount of the principal amount of the debt or in an amount less than the current outstanding balance of the debt.

"Debt settlement service" does not include (A) the services of attorneys licensed, or otherwise authorized, to practice in Illinois who are engaged in the practice of law or (B) debt management service as defined in the Debt Management Service Act.

"Enrollment or set up fee" means any fee, obligation, or compensation paid or to be paid by the consumer to a debt settlement provider in consideration of or in connection with establishing a contract or other agreement with a consumer related to the provision of debt settlement service.

"Maintenance fee" means any fee, obligation, or compensation paid or to be paid by the consumer on a periodic basis to a debt settlement provider in consideration of maintaining the relationship and services to be provided by a debt settlement provider in accordance with a contract with

a consumer related to the provision of debt settlement service.

"Principal amount of the debt" means the total amount or outstanding balance owed by a consumer to one or more creditors for a debt that is included in a contract for debt settlement service at the time when the consumer enters into a contract for debt settlement service.

"Savings" means the difference between the principal amount of the debt and the amount paid by the debt settlement provider to the creditor or negotiated by the debt settlement provider and paid by the consumer to the creditor pursuant to a settlement negotiated by the debt settlement provider on behalf of the consumer as full and complete satisfaction of the creditor's claim with regard to that debt.

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

"Settlement fee" means any fee, obligation, or compensation paid or to be paid by the consumer to a debt settlement provider in consideration of or in connection with a completed agreement or other arrangement on the part of a creditor to accept less than the principal amount of the debt as satisfaction of the creditor's claim against the consumer.

Section 15. Requirement of license. It shall be unlawful for any person or entity to act as a debt settlement provider except as authorized by this Act and without first having obtained a license under this Act.

Section 20. Application for license. An application for a license to operate as a debt settlement provider in this State shall be made to the Secretary and shall be in writing, under oath, and in the form prescribed by the Secretary.

Each applicant, at the time of making such application, shall pay to the Secretary the sum of $300 as a fee for investigation of the applicant, and the additional sum of $1000 as a license fee.

Every applicant shall submit to the Secretary, at the time of the application for a license, a bond to be approved by the Secretary in which the applicant shall be the obligor, in the sum of $100,000 or an additional amount as required by the Secretary, and in which an insurance company, which is duly authorized by the State of Illinois to transact the business of fidelity and surety insurance, shall be a surety.

The bond shall run to the Secretary for the use of the Department or of any person or persons who may have a cause of action against the obligor in said bond arising out of any violation of this Act or rules by a debt settlement provider. Such bond shall be conditioned that the obligor must faithfully conform to and abide by the provisions of this Act and of all rules, regulations, and directions lawfully made by the Secretary and pay to the Secretary or to any person or persons any and all money that may become due or owing to the State or to such person or persons, from the obligor under and by virtue of the provisions of this Act.

Section 25. Qualifications for license. Upon the filing of the application and the approval of the bond and the payment of the specified fees, the Secretary may issue a license if he or she finds all of the following:

(1) The financial responsibility, experience, character, and general fitness of the applicant, the managers, if the applicant is a limited liability company, the partners, if the applicant is a partnership, and the officers and directors, if the applicant is a corporation or a not for profit corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated fairly, honestly, and efficiently within the purposes of this Act.

(2) The applicant, if an individual, the managers, if the applicant is a limited liability company, the partners, if the applicant is a partnership, and the officers and directors, if the applicant is a corporation, have not been convicted of a felony or a misdemeanor or disciplined with respect to a license or are not currently the subject of a license disciplinary proceeding concerning allegations involving dishonesty or untrustworthiness.

(3) The person or persons have not had a record of having defaulted in the payment of money collected for others, including the discharge of those debts through bankruptcy proceedings.

(4) The applicant, or any officers, directors, partners, or managers have not previously violated any provision of this Act or any rule lawfully made by the Secretary.

(5) The applicant has not made any false statement or representation to the Secretary in applying for a license under this Section.

The Secretary shall deliver a license to the applicant to operate as a debt settlement provider in accordance with the provisions of this Act at the location specified in the application. The license shall remain in full force and effect until it is surrendered by the debt settlement provider or revoked by the Secretary as provided in this Act; provided, however, that each license shall expire by its terms on January 1 next following its issuance unless it is renewed as provided in this Act. A license, however, may not be surrendered without the approval of the Secretary.

More than one license may be issued to the same person for separate places of business, but separate applications shall be made for each location conducting business with Illinois residents.

Section 30. Renewal of license.

(a) Each debt settlement provider under the provisions of this Act may make application to the Secretary for renewal of its license, which application for renewal shall be on the form prescribed by the Secretary and shall be accompanied by a fee of $1000 together with a bond or other surety as required, in a minimum amount of $100,000 or an amount as required by the Secretary based on the amount of disbursements made by the licensee in the previous year. The application must be received by the Department no later than December 1 of the year preceding the year for which the application applies.

Section 33. Annual report; debt settlement provider disclosure of statistical information; Secretary to report statistical information.

(a) A debt settlement provider must file an annual report with the Secretary that must include all of the following data:

(1) for each Illinois resident:

(i) the number of accounts enrolled;

(ii) the principal amount of debt at the time each account was enrolled;

(iii) the status of each account (for example, active or terminated);

(iv) whether the account has been settled, and if so, the settlement amount and the corresponding principal amount of debt enrolled for that account;

(v) the total amount of fees paid to the debt settlement service provider;

(vi) whether the creditor has filed suit on the account debt;

(vii) the date the resident is expected to complete the debt settlement program; and

(viii) the date the resident canceled, terminated, or became inactive in the program, if applicable.

(2) for persons completing the program during the reporting period, the median and mean percentage of savings and the median and mean fees paid to the debt settlement service provider;

(3) for persons who cancelled, became inactive, or terminated the program during the reporting period, the median and mean percentage of the savings and the median and mean fees paid to the debt settlement service provider;

(4) the percentage of Illinois residents who canceled, terminated, became inactive, or completed the program without the settlement of all of the enrolled debt; and

(5) the total amount of fees collected from Illinois residents.

The annual report must contain a declaration executed by an official authorized by the debt settlement provider under penalty of perjury that states that the report complies with this Section.

(b) The Secretary may prepare and make available to the public an annual consolidated report of all the data debt settlement providers are required to report pursuant to subsection (a) of this Section.

Section 35. License; display and location of license. Each license issued shall be kept conspicuously posted in the place of business of the debt settlement provider. The business location may be changed by any debt settlement provider upon 10 days prior written notice to the Secretary. A debt settlement provider must operate under the name as stated in its original application.

Section 45. Denial of license. Any complete application for a license shall be approved or denied within 60 days after the filing of the complete application with the Secretary.

Section 50. Revocation or suspension of license.

(a) The Secretary may revoke or suspend any license if he or she finds that:

(1) any debt settlement provider has failed to pay the annual license fee or to maintain in effect the bond required under the provisions of this Act;

(2) the debt settlement provider has violated any provisions of this Act or any rule lawfully made by the Secretary under the authority of this Act;

(3) any fact or condition exists that, if it had existed at the time of the original application for a license, would have warranted the Secretary in refusing its issuance; or

(4) any applicant has made any false statement or representation to the Secretary in applying for a license under this Act.

(b) In every case in which a license is suspended or revoked or an application for a license or renewal of a license is denied, the Secretary shall serve notice of his or her action, including a statement of the reasons for his or her actions, either personally or by certified mail, return receipt requested. Service by mail shall be deemed completed if the notice is deposited in the U.S. Mail.

(c) In the case of a denial of an application or renewal of a license, the applicant or

debt settlement provider may request, in writing, a hearing within 30 days after the date of service. In the case of a denial of a renewal of a license, the license shall be deemed to continue in force until 30 days after the service of the notice of denial, or if a hearing is requested during that period, until a final administrative order is entered.

(d) An order of revocation or suspension of a license shall take effect upon service of the order unless the debt settlement provider requests, in writing, a hearing within 10 days after the date of service. In the event a hearing is requested, the order shall be stayed until a final administrative order is entered.

(e) If the debt settlement provider requests a hearing, then the Secretary shall schedule the hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

(f) The hearing shall be held at the time and place designated by the Secretary. The Secretary and any administrative law judge designated by the Secretary have the power to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of books, papers, correspondence, and other records or information that the Secretary considers relevant or material to the injury.

(g) The costs for the administrative hearing shall be set by rule.

Section 55. Contracts, books, records, and contract cancellation. Each debt settlement provider shall furnish to the Secretary, when requested, a copy of the contract entered into between the debt settlement provider and the debtor. The debt settlement provider shall furnish the debtor with a copy of the written contract at the time of execution, which shall set forth the charges, if any, agreed upon for the services of the debt settlement provider.

Each debt settlement provider shall maintain records and accounts that will enable any debtor contracting with the debt settlement provider, at any reasonable time, to ascertain the status of all the debtor's accounts with the debt settlement service provider, including, but not limited to, the amount of any fees paid by the debtor, amount held in trust (if applicable), settlement offers made and received on each of the debtor's accounts, and legally enforceable settlements reached with the debtor's creditors. A statement showing the total amount received and the total disbursements to each creditor shall be furnished by the debt settlement provider to any individual within 7 days after a request therefor by the said debtor. Each debt settlement provider shall issue a receipt for each payment made by the debtor at a debt settlement provider office. Each debt settlement provider shall prepare and retain in the file of each debtor a written analysis of debtor's income and expenses to substantiate that the plan of payment is feasible and practical.

Section 60. Examination of debt settlement provider; duty to disclose a post-license event.

(a) The Secretary at any time, either in person or through an appointed representative, may examine the condition and affairs of a debt settlement provider. In connection with any examination, the Secretary may examine on oath any debt settlement provider and any director, officer, employee, customer, manager, partner, member, creditor, or stockholder of a debt settlement provider concerning the affairs and business of the debt settlement provider. The Secretary shall ascertain whether the debt settlement provider transacts its business in the manner prescribed by law and the rules issued thereunder. The debt settlement provider shall pay the cost of the examination as determined by the Secretary by administrative rule. Failure to pay the examination fee within 30 days after receipt of demand from the Secretary may result in the suspension of the license until the fee is paid. The Secretary shall have the right to investigate and examine any person, whether licensed or not, who is engaged in the debt settlement service business. The Secretary shall have the power to subpoena the production of any books and records pertinent to any investigation.

(b) Each debt settlement provider shall disclose promptly to the Secretary, but in no event more than 30 days after the occurrence of the event, any change in any of the criteria listed in Section 25 of this Act for the issuance of a license.

Section 65. Trust funds; requirements and restrictions.

(a) All funds received by a debt settlement provider or his agent from and for the purpose of paying bills, invoices, or accounts of a debtor shall constitute trust funds owned by and belonging to the debtor from whom they were received. All such funds received by the debt settlement provider shall be separated from the funds of the debt settlement provider not later than the end of the business day following receipt by the debt settlement provider. All such funds shall be kept separate and apart at all times from funds belonging to the debt settlement provider or any of its officers, employees, or agents and may be used for no purpose other than paying bills, invoices, or accounts of the debtor. All such trust funds received at the main or branch offices of a debt settlement provider shall be deposited in a bank in an account in the name of the debt settlement provider-designated trust account, or by some other appropriate name indicating that the funds are not the funds of the debt settlement provider or its officers, employees, or agents, on or before the

close of the business day following receipt.

(b) Such funds are not subject to attachment, lien, levy of execution, or sequestration by order of court except by a debtor for whom a debt settlement provider is acting as an agent in paying bills, invoices, or accounts.

(c) At least once every month, the debt settlement provider shall render an accounting to the debtor that shall itemize the total amount received from the debtor, the total amount paid each creditor, the amount of charges deducted, and any amount held in reserve, if applicable, and the status of each of the debtors, enrolled accounts. A debt settlement provider shall, in addition, provide such an accounting to a debtor within 7 days after written demand, but not more than 3 times per 6-month period.

(d) Nothing in this Act requires the establishment of a trust account if no consumer funds other than earned settlement fees are held or controlled by a debt settlement provider.

Section 75. Rules. The Secretary shall adopt and enforce all reasonable rules necessary or appropriate for the administration of this Act. The rulemaking shall be subject to the provisions of the Illinois Administrative Procedure Act.

Section 80. Penalties.

(a) Any person who operates as a debt settlement provider without a license shall be guilty of a Class 4 felony.

(b) Any contract of debt settlement service as defined in this Act made by an unlicensed person shall be null and void and of no legal effect.

(c) The Secretary may, after 10 days notice by registered mail to the debt settlement service provider at the address on the license or unlicensed entity engaging in the debt settlement service business, stating the contemplated action and in general the grounds therefore, fine such debt settlement service provider or unlicensed entity an amount not exceeding $10,000 per violation, and revoke or suspend any license issued hereunder if he or she finds that:

(1) The debt settlement service provider has failed to comply with any provision of this Act or any order, decision, finding, rule, regulation or direction of the Secretary lawfully made pursuant to the authority of this Act; or

(2) Any fact or condition exists which, if it had existed at the time of the original application for the license, clearly would have warranted the Secretary in refusing to issue the license.

Section 83. Additional liability for unlicensed activity. Any person who, without the required license, engages in conduct requiring a license under this Act without the required license shall be liable to the Department in an amount equal to the greater of (1) $1,000 or (2) an amount equal to four times the amount of consumer debt enrolled. The Department shall cause any funds so recovered to be deposited in the Debt Settlement Consumer Protection Fund.

Section 85. Injunction. To engage in debt settlement service, render financial service, or accept debtors' funds, as defined in this Act, without a valid license so to do, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Secretary may, in the name of the people of the State of Illinois, through the Attorney General of the State of Illinois, file a complaint for an injunction in the circuit court to enjoin such person, from engaging in that business. An injunction proceeding shall be in addition to, and not in lieu of, penalties and remedies otherwise in this Act provided.

Section 90. Review. All final administrative decisions of the Secretary under this Act shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, including all amendments, modifications, and adopted rules.

Section 95. Cease and desist orders.

(a) The Secretary may issue a cease and desist order to any debt settlement provider or other person doing business without the required license when, in the opinion of the Secretary, the debt settlement provider or other person is violating or is about to violate any provision of the Act or any rule or condition imposed in writing by the Department.

(b) The Secretary may issue a cease and desist order prior to a hearing.

(c) The Secretary shall serve notice of his or her action, including a statement of the reasons for his or her action either personally or by certified mail, return receipt requested. Service by mail shall be deemed completed if the notice is deposited in the U.S. Mail.

(d) Within 10 days after service of the cease and desist order, the licensee or other person may request, in writing, a hearing.

(e) The Secretary shall schedule a hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

(f) If it is determined that the Secretary had the authority to issue the cease and desist order, then he or

she may issue such orders as may be reasonably necessary to correct, eliminate, or remedy that conduct.

(g) The powers vested in the Secretary by this Section are additional to any and all other powers and remedies vested in the Secretary by law, and nothing in this Section shall be construed as requiring that the Secretary shall employ the power conferred in this Section instead of or as a condition precedent to the exercise of any other power or remedy vested in the Secretary.

(h) The cost for the administrative hearing shall be set by rule.

Section 100. Moneys received; Financial Institution Fund. All moneys received by the Division of Financial Institutions under this Act, except for moneys received for the Debt Settlement Consumer Protection Fund, shall be deposited in the Financial Institution Fund created under Section 6z-26 of the State Finance Act.

Section 103. Debt Settlement Consumer Protection Fund.

(a) A special income-earning fund is hereby created in the State Treasury, known as the Debt Settlement Consumer Protection Fund. This fund is not subject to appropriation by the Illinois General Assembly.

(b) All moneys paid into the fund together with all accumulated, undistributed income thereon shall be held as a special fund in the State treasury. All interest earned on the fund is non-distributable and shall be returned to the Fund, and shall be invested and re-invested in the Fund by the Treasurer or his or her designee. The fund shall be used solely for the purpose of providing restitution to consumers who have suffered monetary loss arising out of a transaction regulated by this Act.

(c) The fund shall be applied only to restitution when restitution has been ordered by the Secretary. Restitution shall not exceed the amount actually lost by the consumer. The fund shall not be used for the payment of any attorney or other fees.

(d) The fund shall be subrogated to the amount of the restitution, and the Secretary shall request the Attorney General to engage in all reasonable collection steps to collect restitution from the party responsible for the loss and reimburse the fund.

(e) Notwithstanding any other provisions of this Section, the payment of restitution from the fund shall be a matter of grace and not right, and no consumer shall have any vested rights in the fund as a beneficiary or otherwise. Before seeking restitution from the fund, the consumer or beneficiary seeking payment of restitution shall apply for restitution on a form provided by the Secretary. The form shall include any information the Secretary may reasonably require in order to determine that restitution is appropriate. All documentation required by the Secretary, including the form, is subject to audit. Distributions from the fund shall be made solely at the discretion of the Secretary, except that no payments or distributions may be made under any circumstance if the fund is depleted.

(f) All deposits to this Fund shall be made pursuant to Section 83 of this Act.

(g) Notwithstanding any other law to the contrary, the Fund is not subject to administrative charges or charge-backs that would in any way transfer moneys from the Fund into any other fund of the State.

Section 105. Advertising and marketing practices.

(a) A debt settlement provider shall not represent, expressly or by implication, any results or outcomes of its debt settlement services in any advertising, marketing, or other communication to consumers unless the debt settlement provider possesses substantiation for such representation at the time such representation is made.

(b) A debt settlement provider shall not, expressly or by implication, make any unfair or deceptive representations, or any omissions of material facts, in any of its advertising or marketing communications concerning debt settlement services.

(c) All advertising and marketing communications concerning debt settlement services shall disclose the following material information clearly and conspicuously:

"Debt settlement services are not appropriate for everyone. Failure to pay your monthly bills in a timely manner will result in increased balances and will harm your credit rating. Not all creditors will agree to reduce principal balance, and they may pursue collection, including lawsuits."

Section 110. Individualized financial analysis.

(a) Prior to entering into a written contract with a consumer, a debt settlement provider shall prepare and provide to the consumer in writing and retain a copy of:

(1) an individualized financial analysis, including the individual's income, expenses, and debts; and

(2) a statement containing a good faith estimate of the length of time it will take to complete the debt settlement program, the total amount of debt owed to each creditor included in the debt settlement program, the total savings estimated to be necessary to complete the debt settlement program, and the monthly targeted savings amount estimated to be necessary to complete the debt

settlement program.

(b) A debt settlement provider shall not enter into a written contract with a consumer unless it makes written determinations, supported by the financial analysis, that:

(1) the consumer can reasonably meet the requirements of the proposed debt settlement program, including the fees and the periodic savings amounts set forth in the savings goals; and

(2) the debt settlement program is suitable for the consumer at the time the contract is to be signed.

Section 115. Required pre-sale consumer disclosures and warnings.

(a) Before the consumer signs a contract, the debt settlement provider shall provide an oral and written notice to the consumer that clearly and conspicuously discloses all of the following:

(1) Debt settlement services may not be suitable for all consumers.

(2) Using a debt settlement service likely will harm the consumer's credit history and credit score.

(3) Using a debt settlement service does not stop creditor collection activity, including creditor lawsuits and garnishments

(4) Not all creditors will accept a reduction in the balance, interest rate, or fees a consumer owes.

(5) The consumer should inquire about other means of dealing with debt, including, but not limited to, nonprofit credit counseling and bankruptcy.

(6) The consumer remains obligated to make periodic or scheduled payments to creditors while participating in a debt settlement plan, and that the debt settlement provider will not make any periodic or scheduled payments to creditors on behalf of the consumer.

(7) The failure to make periodic or scheduled payments to a creditor is likely to:

(A) harm the consumer's credit history, credit rating, or credit score;

(B) lead the creditor to increase lawful collection activity, including litigation, garnishment of the consumer's wages, and judgment liens on the consumer's property; and

(C) lead to the imposition by the creditor of interest charges, late fees, and other penalty fees, increasing the principal amount of the debt.

(8) The amount of time estimated to be necessary to achieve the represented results.

(9) The estimated amount of money or the percentage of debt the consumer must accumulate before a settlement offer will be made to each of the consumer's creditors.

(b) The consumer shall sign and date an acknowledgment form entitled "Consumer Notice and Rights Form" that states: "I, the debtor, have received from the debt settlement provider a copy of the form entitled "Consumer Notice and Rights Form"." The debt settlement provider or its representative shall also sign and date the acknowledgment form, which includes the name and address of the debt settlement services provider. The acknowledgment form shall be in duplicate and incorporated into the "Consumer Notice and Rights Form". The original acknowledgment form shall be retained by the debt settlement provider, and the duplicate copy shall be retained within the form by the consumer.

If the acknowledgment form is in electronic form, then it shall contain the consumer disclosures required by Section 101(c) of the federal Electronic Signatures in Global and National Commerce Act.

(c) The requirements of this Section are satisfied if the provider provides the following warning verbatim, both orally and in writing, with the caption "CONSUMER NOTICE AND RIGHTS FORM" in at least 28-point font and the remaining portion in at least 14-point font, to a consumer before the consumer signs a contract for the debt settlement provider's services:

"CONSUMER NOTICE AND RIGHTS FORM

CAUTION

We CANNOT GUARANTEE that you successfully will reduce or eliminate your debt.

If you stop paying your creditors, there is a strong likelihood some or all of the following may happen:

- CREDITORS MAY STILL CONTACT YOU AND TRY TO COLLECT.
- CREDITORS MAY STILL SUE YOU FOR THE MONEY YOU OWE.
- YOUR WAGES OR BANK ACCOUNT MAY STILL BE GARNISHED.
- YOUR CREDIT RATING AND CREDIT SCORE LIKELY WILL BE HARMED.
- NOT ALL CREDITORS WILL AGREE TO ACCEPT A BALANCE REDUCTION.
- YOU SHOULD CONSIDER ALL YOUR OPTIONS FOR ADDRESSING YOUR DEBT, SUCH AS CREDIT COUNSELING AND BANKRUPTCY FILING.
- THE AMOUNT OF MONEY YOU OWE MAY INCREASE DUE TO CREDITOR IMPOSITION OF INTEREST CHARGES, LATE FEES, AND OTHER PENALTY FEES.

- EVEN IF WE DO SETTLE YOUR DEBT, YOU MAY STILL BE REQUIRED TO PAY TAXES ON THE AMOUNT FORGIVEN.

YOUR RIGHT TO CANCEL

If you sign a contract with a Debt Settlement Provider, you have the right to cancel at any time and receive a full refund of all unearned fees you have paid to the provider and all funds placed in your settlement fund that have not been paid to any creditors.

IF YOU ARE DISSATISFIED
OR YOU HAVE QUESTIONS

If you are dissatisfied with a debt settlement provider or have any questions, please bring it to the attention of the Illinois Attorney General's Office and the Department of Financial and Professional Regulation.

Attorney General Toll-Free Numbers:

Carbondale (800) 243-0607

Springfield (800) 243-0618

Chicago (800) 386-5438

Website for Department of Financial and Professional Regulation: www.idfpr.com

I, the debtor, have received from the debt settlement provider a copy of the form entitled Consumer Notice and Rights Form.".

Section 120. Debt settlement contract.

(a) A debt settlement provider shall not provide debt settlement service to a consumer without a written contract signed and dated by both the consumer and the debt settlement provider.

(b) Any contract for the provision of debt settlement service entered into in violation of the provisions of this Section is void.

(c) A contract between a debt settlement provider and a consumer for the provision of debt settlement service shall disclose all of the following clearly and conspicuously:

(1) The name and address of the consumer.

(2) The date of execution of the contract.

(3) The legal name of the debt settlement provider, including any other business names used by the debt settlement provider.

(4) The corporate address and regular business address, including a street address, of the debt settlement provider.

(5) The telephone number at which the consumer may speak with a representative of the debt settlement provider during normal business hours.

(6) A complete list of the consumer's accounts, debts, and obligations to be included in the provision of debt settlement service, including the name of each creditor and principal amount of each debt.

(7) A description of the services to be provided by the debt settlement provider, including the expected time frame for settlement for each account, debt, or obligation included in item (6) of this subsection (c).

(8) An itemized list of all fees to be paid by the consumer to the debt settlement provider, and the date, approximate date, or circumstances under which each fee will become due.

(9) A good faith estimate of the total amount of all fees and compensation, not to exceed the amounts specified in Section 125 of this Act, to be collected by the debt settlement provider from the consumer for the provision of debt settlement service contemplated by the contract.

(10) A statement of the proposed savings goals for the consumer, stating the amount to be saved per month or other period, time period over which savings goal extends, and the total amount of the savings expected to be paid by the consumer pursuant to the terms of the contract.

(11) The amount of money or the percentage of debt the consumer must accumulate before a settlement offer will be made to each of the consumer's creditors.

(12) The written individualized financial analysis required by Section 110 of this Act.

(13) The contents of the "Consumer Notice and Rights Form" provided in Section 115.

(14) A written notice to the consumer that the consumer may cancel the contract at any time until after the debt settlement provider has fully performed each service the debt settlement provider contracted to perform or represented he or she would perform, and upon that event:

(A) the consumer shall be entitled to a full refund of all unearned fees and compensation paid by the consumer to the debt settlement provider, and a full refund of all funds provided by the consumer to the debt settlement provider for a consumer settlement account, except

for funds actually paid to a creditor on behalf of the consumer, under the terms of the contract for debt settlement service; and

(B) all powers of attorney granted to the debt settlement provider by the consumer shall be considered revoked and voided.

(15) A form the consumer may use to cancel the contract pursuant to the provisions of Section 135 of this Act. The form shall include the name and mailing address of the debt settlement provider and shall disclose clearly and conspicuously how the consumer can cancel the contract, including applicable addresses, telephone numbers, facsimile numbers, and electronic mail addresses the consumer can use to cancel the contract.

(f) If a debt settlement provider communicates with a consumer primarily in a language other than English, then the debt settlement provider shall furnish to the consumer a translation of all the disclosures and documents required by this Act in that other language.

Section 125. Fees.

(a) A debt settlement provider shall not charge fees of any type or receive compensation from a consumer in a type, amount, or timing other than fees or compensation permitted in this Section.

(b) A debt settlement provider shall not charge or receive from a consumer any enrollment fee, set up fee, up front fee of any kind, or any maintenance fee.

(c) A debt settlement provider may charge a settlement fee, which shall not exceed an amount greater than 10% of the savings. If the amount paid by the debt settlement provider to the creditor or negotiated by the debt settlement provider and paid by the consumer to the creditor pursuant to a settlement negotiated by the debt settlement provider on behalf of the consumer as full and complete satisfaction of the creditor's claim with regard to that debt is greater than the principal amount of the debt, then the debt settlement provider shall not be entitled to any settlement fee.

(d) A debt settlement provider shall not collect any settlement fee from a consumer until a creditor enters into a legally enforceable agreement to accept funds in a specific dollar amount as full and complete satisfaction of the creditor's claim with regard to that debt and those funds are provided by the debt settlement provider on behalf of the consumer or are provided directly by the consumer to the creditor pursuant to a settlement negotiated by the debt settlement provider

Section 130. Consumer settlement accounts and monthly accounting.

(a) A debt settlement provider who receives funds from a consumer shall hold all funds received for a consumer settlement account in a properly designated trust account in a federally insured depository institution. The funds shall remain the property of the consumer until the debt settlement provider disburses the funds to a creditor on behalf of the consumer as full or partial satisfaction of the consumer's debt to the creditor or the creditor's claim against the consumer. Any interest earned on such account shall be credited to the consumer.

(b) A debt settlement provider shall not be named on a consumer's bank account, take a power of attorney in a consumer's bank account, create a demand draft on a consumer's bank account, or exercise any control over any bank account held by or on behalf of the consumer.

(c) A debt settlement provider shall, no less than monthly, provide each consumer with which it has a contract for the provision of debt settlement service a statement of account balances, fees paid, settlements completed, and remaining debts.

Section 135. Cancellation of contract and right to fee and settlement fund refunds.

(a) A consumer may cancel a contract with a debt settlement provider at any time before the debt settlement provider has fully performed each service the debt settlement provider contracted to perform or represented it would perform.

(b) If a consumer cancels a contract with a debt settlement provider, or at any time upon a material violation of this Act on the part of the debt settlement provider, then the debt settlement provider shall refund all fees and compensation, with the exception of any earned settlement fee, as well as all funds paid by the consumer to the debt settlement provider that have accumulated in a consumer settlement account and that the debt settlement provider has not disbursed to creditors. Upon cancellation, all powers of attorney and direct debit authorizations granted to the debt settlement provider by the consumer shall be considered revoked and voided.

(c) A debt settlement provider shall make any refund required under this Section within 5 business days after the notice of cancellation, and shall include with the refund a full statement of account showing fees received, fees refunded, savings held, payments to creditors, settlement fees earned if any, and savings refunded.

(d) Upon the cancellation of a contract under this Section, the debt settlement provider shall provide

timely notice of the cancellation of the contract to each of the creditors with whom the debt settlement provider has had any prior communication on behalf of the consumer in connection with the provision of any debt settlement service.

Section 140. Obligation of good faith. A debt settlement provider shall act in good faith in all matters under this Act.

Section 145. Prohibited practices. A debt settlement provider shall not do any of the following:

(1) Charge or collect from a consumer any fee not permitted by, in an amount in excess of the maximum amount permitted by, or at a time earlier than permitted by Section 125 of this Act.

(2) Advise or represent, expressly or by implication, that consumers should stop making payments to their creditors.

(3) Advise or represent, expressly or by implication, that consumers should stop communicating with their creditors.

(4) Change the mailing address on any of a consumer's creditor's statements.

(5) Make loans or offer credit or solicit or accept any note, mortgage, or negotiable instrument other than a check signed by the consumer and dated no later than the date of signature.

(6) Take any confession of judgment or power of attorney to confess judgment against the consumer or appear as the consumer or on behalf of the consumer in any judicial proceedings.

(7) Take any release or waiver of any obligation to be performed on the part of the debt settlement provider or any right of the consumer.

(8) Advertise, display, distribute, broadcast, or televise services or permit services to be displayed, advertised, distributed, broadcasted, or televised, in any manner whatsoever, that contains any false, misleading, or deceptive statements or representations with regard to any matter, including services to be performed, the fees to be charged by the debt settlement provider, or the effect those services will have on a consumer's credit rating or on creditor collection efforts.

(9) Receive any cash, fee, gift, bonus, premium, reward, or other compensation from any person other than the consumer explicitly for the provision of debt settlement service to that consumer.

(10) Offer or provide gifts or bonuses to consumers for signing a debt settlement service contract or for referring another potential customer or customer.

(11) Disclose to anyone the name or any personal information of a consumer for whom the debt settlement provider has provided or is providing debt settlement service other than to a consumer's own creditors or the debt settlement provider's agents, affiliates, or contractors for the purpose of providing debt settlement service without the prior consent of the consumer.

(12) Enter into a contract with a consumer without first providing the disclosures and financial analysis and making the determinations required by this Section.

(13) Misrepresent any material fact, make a material omission, or make a false promise directed to one or more consumers in connection with the solicitation, offering, contracting, or provision of debt settlement service.

(14) Violate the provisions of applicable do not call statutes.

(15) Purchase debts or engage in the practice or business of debt collection.

(16) Include in a debt settlement agreement any secured debt.

(17) Employ an unfair, unconscionable, or deceptive act or practice, including the knowing omission of any material information.

(18) Engage in any practice that prohibits or limits the consumer or any creditor from communication directly with one another.

(19) Represent or imply to a person participating in or considering debt settlement that purchase of any ancillary goods or services is required.

Section 150. Noncompliance with the Act.

(a) Any waiver by any consumer of any protection provided by or any right of the consumer under this Act:

(1) shall be treated as void; and

(2) may not be enforced by any federal or State court or any other person.

(b) Any attempt by any person to obtain a waiver from any consumer of any protection provided by or any right or protection of the consumer or any obligation or requirement of the debt settlement provider under this Act shall be a violation of this Act.

(c) Any contract for debt settlement service that does not comply with the applicable provisions of this Act:

(1) shall be treated as void; and

(2) may not be enforced by any federal or State court or any other person; and

Upon notice of a void contract, a refund by the debt settlement provider to the consumer shall be made as if the contract had been cancelled as provided in Section 135 of this Act.

Section 155. Civil remedies.

(a) A violation of Section 105, 110, 115, 120, 125, 130, 135, 140, 145, or 150 of this Act constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General or State's Attorney by the Consumer Fraud and Deceptive Business Practices Act shall be available to him or her for the enforcement of this Act.

(b) A consumer who suffers loss by reason of a violation of Section 105, 110, 115, 120, 125, 130, 135, 140, 145, or 150 of this Act may bring a civil action in accordance with the Consumer Fraud and Deceptive Business Practices Act to enforce that provision. All remedies and rights granted to a consumer by the Consumer Fraud and Deceptive Business Practices Act shall be available to the consumer bringing such an action. The remedies and rights provided for in this Act are not exclusive, but cumulative, and all other applicable claims are specifically preserved.

Section 900. The State Finance Act is amended by changing Section 6z-26 and by adding Sections 5.755 and 5.756 as follows:

(30 ILCS 105/5.755 new)

Sec. 5.755. The Debt Management Service Consumer Protection Fund.

(30 ILCS 105/5.756 new)

Sec. 5.756. The Debt Settlement Consumer Protection Fund.

(30 ILCS 105/6z-26)

Sec. 6z-26. The Financial Institution Fund. All moneys received by the Department of Financial and Professional Regulation under the Safety Deposit License Act, the Foreign Exchange License Act, the Pawners Societies Act, the Sale of Exchange Act, the Currency Exchange Act, the Sales Finance Agency Act, the Debt Management Service Act, the Consumer Installment Loan Act, the Illinois Development Credit Corporation Act, the Title Insurance Act, the Debt Settlement Consumer Protection Act, the Debt Management Service Consumer Protection Fund, and any other Act administered by the Department of Financial and Professional Regulation as the successor of the Department of Financial Institutions now or in the future (unless an Act specifically provides otherwise) shall be deposited in the Financial Institution Fund (hereinafter "Fund"), a special fund that is hereby created in the State Treasury.

Moneys in the Fund shall be used by the Department, subject to appropriation, for expenses incurred in administering the above named and referenced Acts.

The Comptroller and the State Treasurer shall transfer from the General Revenue Fund to the Fund any monies received by the Department after June 30, 1993, under any of the above named and referenced Acts that have been deposited in the General Revenue Fund.

As soon as possible after the end of each calendar year, the Comptroller shall compare the balance in the Fund at the end of the calendar year with the amount appropriated from the Fund for the fiscal year beginning on July 1 of that calendar year. If the balance in the Fund exceeds the amount appropriated, the Comptroller and the State Treasurer shall transfer from the Fund to the General Revenue Fund an amount equal to the difference between the balance in the Fund and the amount appropriated.

Nothing in this Section shall be construed to prohibit appropriations from the General Revenue Fund for expenses incurred in the administration of the above named and referenced Acts.

Moneys in the 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.

(Source: P.A. 94-91, eff. 7-1-05.)

Section 905. The Debt Management Service Act is amended by changing Sections 2, 4, 5, 6, 7, 8.5, 9, 10, 11, 11.5, 12, 12.1, 13, 14, 15, 16, 17, 18, 20, and 20.5 and by adding Sections 1.5, 16.5, and 16.6 as follows:

(205 ILCS 665/1.5 new)

Sec. 1.5. Purpose and construction. The purpose of this Act is to protect consumers who enter into agreements with debt management service providers and to regulate debt management service providers. This Act shall be construed as a consumer protection law for all purposes. This Act shall be liberally construed to effectuate its purpose.

(205 ILCS 665/2) (from Ch. 17, par. 5302)

Sec. 2. Definitions. As used in this Act:

"Credit counselor" means an individual, corporation, or other entity that is not a debt management

service that provides (1) guidance, educational programs, or advice for the purpose of addressing budgeting, personal finance, financial literacy, saving and spending practices, or the sound use of consumer credit; or (2) assistance or offers to assist individuals and families with financial problems by providing counseling; or (3) a combination of the activities described in items (1) and (2) of this definition.

"Debt management service" means the planning and management of the financial affairs of a debtor for a fee and the receiving of money from the debtor for the purpose of distributing it~~, directly or indirectly,~~ to the debtor's creditors in payment or partial payment of the debtor's obligations or soliciting financial contributions from creditors. The business of debt management is conducted in this State if the debt management business, its employees, or its agents are located in this State or if the debt management business solicits or contracts with debtors located in this State. "Debt management service" does not include "debt settlement service" as defined in the Debt Settlement Consumer Protection Act.

This term shall not include the following when engaged in the regular course of their respective businesses and professions:

(a) Attorneys at law licensed or otherwise authorized to practice in Illinois who are engaged in the practice of law.

(b) Banks, operating subsidiaries of banks, affiliates of banks, fiduciaries, credit unions, savings and loan associations, and savings

banks as duly authorized and admitted to transact business in the State of Illinois and performing credit and financial adjusting service in the regular course of their principal business.

(c) Title insurers, title agents, independent escrowees, and abstract companies, while doing an escrow business.

(d) Judicial officers or others acting pursuant to court order.

(e) Employers for their employees, except that no employer shall retain the services of an outside debt management service to perform this service unless the debt management service is licensed pursuant to this Act. ~~Employers for their employees~~.

(f) Bill payment services, as defined in the Transmitters of Money Act.

(g) Credit counselors, only when providing services described in the definition of credit counselor in this Section.

~~"Director" means Director of Financial Institutions.~~

"Debtor" means the person or persons for whom the debt management service is performed.

"Person" means an individual, firm, partnership, association, limited liability company, corporation, or not-for-profit corporation.

"Licensee" means a person licensed under this Act.

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

(Source: P.A. 95-331, eff. 8-21-07.)

(205 ILCS 665/4) (from Ch. 17, par. 5304)

Sec. 4. Application for license. Application for a license to engage in the debt management service business in this State shall be made to the Secretary ~~Director~~ and shall be in writing, under oath, and in the form prescribed by the Secretary ~~Director~~.

Each applicant, at the time of making such application, shall pay to the Secretary ~~Director~~ the sum of $60.00 ~~$30.00~~ as a fee for investigation of the applicant, and the additional sum of $200 ~~$100.00~~ as a license fee.

Every applicant shall submit to the Secretary ~~Director~~, at the time of the application for a license, a bond to be approved by the Secretary ~~Director~~ in which the applicant shall be the obligor, in the sum of $25,000 or such additional amount as required by the Secretary ~~Director~~ based on the amount of disbursements made by the licensee in the previous year, and in which an insurance company, which is duly authorized by the State of Illinois, to transact the business of fidelity and surety insurance shall be a surety.

The bond shall run to the Secretary ~~Director~~ for the use of the Department or of any person or persons who may have a cause of action against the obligor in said bond arising out of any violation of this Act or rules by a license. Such bond shall be conditioned that the obligor will faithfully conform to and abide by the provisions of this Act and of all rules, regulations and directions lawfully made by the Secretary ~~Director~~ and will pay to the Secretary ~~Director~~ or to any person or persons any and all money that may become due or owing to the State or to such person or persons, from said obligor under and by virtue of the provisions of this Act.

(Source: P.A. 92-400, eff. 1-1-02.)

(205 ILCS 665/5) (from Ch. 17, par. 5305)

Sec. 5. Qualifications for license. Upon the filing of the application and the approval of the bond and the

payment of the specified fees, the Secretary may ~~Director shall~~ issue a license if he finds:

(1) That the financial responsibility, experience, character and general fitness of the applicant, the managers thereof, if the applicant is a limited liability company, the partners thereof, if the applicant is a partnership, and of the officers and directors thereof, if the applicant is a corporation or a not-for-profit corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated fairly, honestly and efficiently within the purposes of this Act, and

(2) That the applicant, if an individual, the managers thereof, if the applicant is a limited liability company, the partners thereof, if the applicant is a partnership, and the officers and directors thereof, if the applicant is a corporation, have not been convicted of a felony or a misdemeanor involving dishonesty or untrustworthiness, and

(3) That the person or persons have not had a record of having defaulted in the payment of money collected for others, including the discharge of such debts through bankruptcy proceedings, and

(4) The applicant, or any officers, directors, partners or managers, have not previously violated any provision of this Act or any rule lawfully made by the Secretary ~~Director~~, and

(5) The applicant has not made any false statement or representation to the Secretary ~~Director~~ in applying for a license hereunder.

The Secretary ~~Director~~ shall deliver a license to the applicant to engage in the debt management service business in accordance with the provisions of this Act at the location specified in the said application, which license shall remain in full force and effect until it is surrendered by the licensee or revoked by the Secretary ~~Director~~ as herein provided; provided, however, that each license shall expire by the terms thereof on January 1 next following the issuance thereof unless the same be renewed as hereinafter provided. A license, however, may not be surrendered without the approval of the Secretary ~~Director~~.

More than one license may be issued to the same person for separate places of business, but separate applications shall be made for each location conducting business with Illinois residents ~~place of business~~.
(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/6) (from Ch. 17, par. 5306)

Sec. 6. Renewal of license. Each debt management service provider ~~licensee~~ under the provisions of this Act may make application to the Secretary ~~Director~~ for renewal of its license, which application for renewal shall be on the form prescribed by the Secretary ~~Director~~ and shall be accompanied by a fee of $200 ~~$100.00~~ together with a bond or other surety as required, in a minimum amount of $25,000 or such an amount as required by the Secretary ~~Director~~ based on the amount of disbursements made by the licensee in the previous year. The application must be received by the Department no later than December 1 of the year preceding the year for which the application applies.
(Source: P.A. 92-400, eff. 1-1-02.)

(205 ILCS 665/7) (from Ch. 17, par. 5307)

Sec. 7. License, display and location. Each license issued shall be kept conspicuously posted in the place of business of the debt management service provider ~~licensee~~. The business location may be changed by any licensee upon 10 days prior written notice to the Secretary ~~Director~~. A license must operate under the name as stated in its original application.
(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/8.5)

Sec. 8.5. Temporary location. The Secretary ~~Director~~ may approve a temporary additional business location for the purpose of allowing a debt management service provider ~~licensee~~ to conduct business outside the licensed location.
(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/9) (from Ch. 17, par. 5309)

Sec. 9. Denial of license. Any application for a license shall be approved or denied within 60 days of the filing of a completed ~~an~~ application with the Secretary ~~Director~~.
(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/10) (from Ch. 17, par. 5310)

Sec. 10. Revocation, ~~or~~ suspension , or refusal to renew ~~of~~ license.

(a) The Secretary ~~Director~~ may revoke or suspend or refuse to renew any license if he finds that:

(1) any licensee has failed to pay the annual license fee, or to maintain in effect the bond required under the provisions of this Act;

(2) the licensee has violated any provisions of this Act or any rule, lawfully made by the Secretary ~~Director~~ within the authority of this Act;

(3) any fact or condition exists which, if it had existed at the time of the original

application for a license, would have warranted the Secretary ~~Director~~ in refusing its issuance; or

(4) any applicant has made any false statement or representation to the Secretary ~~Director~~ in applying for a license hereunder.

(b) In every case in which a license is suspended or revoked or an application for a license or renewal of a license is denied, the Secretary ~~Director~~ shall serve notice of his action, including a statement of the reasons for his actions, either personally or by certified mail, return receipt requested. Service by mail shall be deemed completed if the notice is deposited in the U.S. Mail.

(c) In the case of a denial of an application or renewal of a license, the applicant or licensee may request in writing, within 30 days after the date of service, a hearing. In the case of a denial of a renewal of a license, the license shall be deemed to continue in force until 30 days after the service of the notice of denial, or if a hearing is requested during that period, until a final administrative order is entered.

(d) An order of revocation or suspension of a license shall take effect upon service of the order unless the licensee requests, in writing, within 10 days after the date of service, a hearing. In the event a hearing is requested, the order shall be stayed until a final administrative order is entered.

(e) If the licensee requests a hearing, the Secretary ~~Director~~ shall schedule either a status date or a ~~the~~ hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

(f) The hearing shall be held at the time and place designated by the Secretary ~~Director~~. The Secretary ~~Director~~ and any administrative law judge designated by him have the power to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of books, papers, correspondence, and other records or information that he considers relevant or material to the injury.

(g) The costs for the administrative hearing shall be set by rule and shall be borne by the respondent.

~~(h) The Director shall have the authority to prescribe rules for the administration of this Section.~~

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/11) (from Ch. 17, par. 5311)

Sec. 11. Contracts, books, records and contract cancellation. Each debt management service provider ~~licensee~~ shall furnish to the Secretary ~~Director~~, when requested, a copy of the contract entered into between the debt management service provider ~~licensee~~ and the debtor. The debt management service provider ~~licensee~~ shall furnish the debtor with a copy of the written contract, at the time of execution, which shall set forth the charges, if any, agreed upon for the services of the debt management service provider ~~licensee~~.

Each debt management service provider ~~licensee~~ shall maintain records and accounts which will enable any debtor contracting with the debt management service provider ~~licensee~~, at any reasonable time, to ascertain the amounts paid to creditors of the debtor. A statement showing the total amount received and the total disbursements to each creditor shall be furnished by the debt management service provider ~~licensee~~ to any individual within seven days of a request therefor by the said debtor. Each debt management service provider ~~licensee~~ shall issue a receipt for each payment made by the debtor at a debt management service provider's ~~licensee's~~ office. Each debt management service provider ~~licensee~~ shall prepare and retain in the file of each debtor a written analysis of debtor's income and expenses to substantiate that the plan of payment is feasible and practical.

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/11.5)

Sec. 11.5. Examination of debt management service provider ~~licensee~~. The Secretary ~~Director~~ at any time, either in person or through an appointed representative, may examine the condition and affairs of a debt management service provider ~~licensee~~. In connection with any examination, the Secretary ~~Director~~ may examine on oath any debt management service provider ~~licensee~~ and any director, officer, employee, customer, manager, partner, member, creditor or stockholder of a licensee concerning the affairs and business of the debt management service provider ~~licensee~~. The Secretary ~~Director~~ shall ascertain whether the debt management service provider ~~licensee~~ transacts its business in the manner prescribed by law and the rules issued thereunder. The debt management service provider ~~licensee~~ shall pay the cost of the examination as determined by the Secretary ~~Director~~ by administrative rule. Failure to pay the examination fee within 30 days after receipt of demand from the Secretary ~~Director~~ may result in the suspension of the license until the fee is paid. The Secretary ~~Director~~ shall have the right to investigate and examine any person, whether licensed or not, who is engaged in the debt management service business. The Secretary ~~Director~~ shall have the power to subpoena the production of any books and records pertinent to any investigation.

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/12) (from Ch. 17, par. 5312)

Sec. 12. Fees and charges of debt management service providers ~~licensees~~. A debt management service provider ~~licensee~~ may not charge a debtor any fees or penalties except the following:

(1) an initial counseling fee not to exceed $50 per debtor counseled~~, provided the average initial counseling fee does not exceed $30 per debtor for all debtors counseled~~; and

(2) additional fees at the completion of the initial counseling services which shall not exceed $50 per month~~, provided the average monthly fee does not exceed $30 per debtor for all debtors counseled~~.

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/12.1)

Sec. 12.1. All moneys received by the Department of Financial Institutions under this Act, except moneys received for the Debt Management Service Consumer Protection Fund, shall be deposited in the Financial Institutions Fund created under Section 6z-26 of the State Finance Act.

(Source: P.A. 88-13.)

(205 ILCS 665/13) (from Ch. 17, par. 5313)

Sec. 13. Prohibitions.

(1) No licensee shall advertise, in any manner whatsoever, any statement or representation with regard to the rates, terms or conditions of debt management service which is false, misleading, or deceptive.

(2) No licensee shall require as a part of the agreement between the licensee and any debtor, the purchase of any stock, insurance, commodity, service or other property or any interest therein.

(3) No licensee shall, directly or indirectly, accept payment or any other consideration, whether in cash or in kind, from any entity for referring applicants to that entity. The licensee shall not, directly or indirectly, make payments in any form, whether in cash or in kind, to any person, corporation, or other entity for referring applicants or clients to the licensee.

(4) No licensee shall make any loans.

(5) No licensee shall issue credit cards or act as an agent in procuring customers for a credit card company or any financial institution.

(6) No licensee shall act as a loan broker.

(7) No licensee shall operate any other business at the licensed location. ~~without another business authorization from the Director, pursuant to Section 13.5.~~

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/14) (from Ch. 17, par. 5314)

Sec. 14. Trust funds; requirements and restrictions.

(a) All funds received by a debt management service provider ~~licensee~~ or his agent from and for the purpose of paying bills, invoices, or accounts of a debtor shall constitute trust funds owned by and belonging to the debtor from whom they were received. All such funds received by a debt management service provider ~~licensee~~ shall be separated from the funds of the debt management service provider ~~licensee~~ not later than the end of the business day following receipt by the debt management service provider ~~licensee~~. All such funds shall be kept separate and apart at all times from funds belonging to the debt management service provider ~~licensee~~ or any of its officers, employees or agents and may be used for no purpose other than paying bills, invoices, or accounts of the debtor. All such trust funds received at the main or branch offices of a debt management service provider ~~licensee~~ shall be deposited in a bank in an account in the name of the debt management service provider ~~licensee~~ designated "trust account", or by some other appropriate name indicating that the funds are not the funds of the debt management service provider ~~licensee~~ or its officers, employees, or agents, on or before the close of the business day following receipt.

(b) If a consumer's funds are kept in an interest earning trust account, then any interest earned on the consumer funds shall belong to the consumer. If multiple consumers funds are kept in a single interest earning trust account, then the interest earned shall belong to the consumers and shall be deposited pro rata among the consumers whose funds are in the account. ~~Prior to separation and deposit by the licensee, such funds may be used by the licensee only for the making of change or the cashing of checks in the normal course of its business.~~ Such funds are not subject to attachment, lien, levy of execution, or sequestration by order of court except by a debtor for whom a licensee is acting as an agent in paying bills, invoices, or accounts.

(c) Each debt management service provider ~~licensee~~ shall make remittances within 30 days after initial receipt of funds, and thereafter remittances shall be made within 15 days of receipt, less fees and costs, unless the reasonable payment of one or more of the debtor's obligations requires that the funds be held for a longer period so as to accumulate a sum certain.

(d) At least once every quarter, the debt management service provider ~~licensee~~ shall render an

accounting to the debtor which shall itemize the total amount received from the debtor, the total amount paid each creditor, the amount of charges deducted, and any amount held in reserve. A debt management service provider ~~licensee~~ shall, in addition thereto, provide such an accounting to a debtor within 7 days after written demand, but not more than 3 times per 6 month period.
(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/15) (from Ch. 17, par. 5315)

Sec. 15. Rules.) The Secretary ~~Director~~ shall make and enforce all reasonable rules as shall be necessary for the administration of this Act. Such rulemaking shall be subject to the provisions of the Illinois Administrative Procedure Act.
(Source: P.A. 81-1403.)

(205 ILCS 665/16) (from Ch. 17, par. 5319)

Sec. 16. Penalties.

(a) Any person who engages in the business of debt management service without a license shall be guilty of a Class 4 felony.

(b) Any contract of debt management service as defined in this Act, made by an unlicensed person, shall be null and void and of no legal effect.

(c) The Secretary ~~Director~~ may , after 10 days notice by registered mail to the debt management service provider at the address on the license or unlicensed entity engaging in the debt management service business, stating the contemplated action and in general the grounds therefore, fine that debt management service provider or unlicensed entity an amount not exceeding $10,000 per violation, and revoke or suspend any license issued if he or she finds that either:

(1) the debt management service provider or unlicensed entity has failed to comply with any provision of this Act or any order, decision, finding, rule, regulation, or direction of the Secretary lawfully made pursuant to the authority of this Act; or

(2) any fact or condition exists which, if it had existed at the time of the original application for the license, clearly would have warranted the Secretary in refusing to issue the license. ~~set by rule monetary penalties for violation of this Act.~~
(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/16.5 new)

Sec. 16.5. Sec. 16.5. Additional liability for unlicensed activity. Any person who, without the required license, engages in conduct requiring a license under this Act, shall be liable to the Department in an amount equal to the greater of (1) $1,000 or (2) an amount equal to 4 times the amount of consumer debt enrolled. The Department shall cause any funds so recovered to be deposited in the Debt Management Service Consumer Protection Fund.

(205 ILCS 665/16.6 new)

Sec. 16.6. Debt Management Service Consumer Protection Fund.

(a) A special non-appropriated income-earning fund is hereby created in the State treasury, known as the Debt Management Service Consumer Protection Fund. This Fund is not subject to appropriation by the Illinois General Assembly.

(b) All moneys paid into the Fund together with all accumulated, undistributed interest thereon shall be held as a special fund in the State treasury. All interest earned on the fund is non-distributable and shall be returned to the Fund, and shall be invested and re-invested in the Fund by the Treasurer or his or her designee. The Fund shall be used solely for the purpose of providing restitution to consumers who have suffered monetary loss arising out of a transaction regulated by this Act.

(c) The Fund shall be applied only to restitution when restitution has been ordered by the Secretary. Restitution shall not exceed the amount actually lost by the consumer. The Fund shall not be used for the payment of any attorney or other fees.

(d) The Fund shall be subrogated to the amount of the restitution, and the Secretary shall request the Attorney General to engage in all reasonable collection steps to collect restitution from the party responsible for the loss and reimburse the fund.

(e) Notwithstanding any other provision of this Section, the payment of restitution from the Fund shall be a matter of grace and not of right, and no consumer shall have any vested rights in the Fund as a beneficiary or otherwise. Before seeking restitution from the Fund, the consumer or beneficiary seeking payment of restitution shall apply for restitution on a form provided by the Secretary. The form shall include any information the Secretary may reasonably require in order to determine that restitution is appropriate. All documentation required by the Secretary, including the form, is subject to audit. Distributions from the Fund shall be made solely at the discretion of the Secretary, except that no payments or distributions may

be made under any circumstance if the Fund is depleted.

(f) All deposits to this Fund shall be made pursuant to Section 16.5 of this Act.

(g) Notwithstanding any other law to the contrary, the Fund is not subject to administrative charges or charge-backs that would in any way transfer moneys from the Fund into any other fund of the State.

(205 ILCS 665/17) (from Ch. 17, par. 5320)

Sec. 17. Injunction. To engage in debt management service, render financial service, or accept debtors' funds, as defined in this Act, without a valid license so to do, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Secretary ~~Director~~ may, in the name of the people of the State of Illinois, through the Attorney General of the State of Illinois, file a complaint for an injunction in the circuit court to enjoin such person, from engaging in said business. Such injunction proceeding shall be in addition to, and not in lieu of, penalties and remedies otherwise in this Act provided.

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/18) (from Ch. 17, par. 5321)

Sec. 18. Review. All final administrative decisions of the Secretary ~~Director~~ hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof and the rules adopted pursuant thereto.

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/20) (from Ch. 17, par. 5323)

Sec. 20. Cease and desist orders.

(a) The Secretary ~~Director~~ may issue a cease and desist order to any licensee, or other person doing business without the required license, when in the opinion of the Secretary ~~Director~~, the licensee, or other person, is violating or is about to violate any provision of the Act or any rule or condition imposed in writing by the Department.

(b) The Secretary ~~Director~~ may issue a cease and desist order prior to a hearing.

(c) The Secretary ~~Director~~ shall serve notice of his action, including a statement of the reasons for his action either personally or by certified mail, return receipt requested. Service by mail shall be deemed completed if the notice is deposited in the U.S. Mail.

(d) Within 10 days after service of the cease and desist order, the licensee or other person may request, in writing, a hearing.

(e) The Secretary ~~Director~~ shall schedule either a status date or a hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

~~(f) The Director shall have the authority to prescribe rules for the administration of this Section.~~

(g) If it is determined that the Secretary ~~Director~~ had the authority to issue the cease and desist order, he may issue such orders as may be reasonably necessary to correct, eliminate, or remedy such conduct.

(h) The powers vested in the Secretary ~~Director~~ by this Section are additional to any and all other powers and remedies vested in the Secretary ~~Director~~ by law, and nothing in this Section shall be construed as requiring that the Secretary ~~Director~~ shall employ the power conferred in this Section instead of or as a condition precedent to the exercise of any other power or remedy vested in the Secretary ~~Director~~.

(i) The cost for the administrative hearing shall be set by rule and shall be borne by the respondent.

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/20.5)

Sec. 20.5. Receivership.

(a) If the Secretary ~~Director~~ determines that a licensee is insolvent or is violating this Act, he or she may appoint a receiver. Under the direction of the Secretary ~~Director~~, the receiver shall, for the purpose of receivership, take possession of and title to the books, records, and assets of the licensee. The Secretary ~~Director~~ may require the receiver to provide security in an amount the Secretary ~~Director~~ deems proper. Upon appointment of the receiver, the Secretary ~~Director~~ shall have published, once each week for 4 consecutive weeks in a newspaper having a general circulation in the community, a notice informing all persons who have claims against the licensee to present them to the receiver. Within 10 days after the receiver takes possession, the licensee may apply to the Circuit Court of Sangamon County to enjoin further proceedings. The receiver may operate the business until the Secretary ~~Director~~ determines that possession should be restored to the licensee or that the business should be liquidated.

(b) If the Secretary ~~Director~~ determines that a business in receivership should be liquidated, he or she shall direct the Attorney General to file a complaint in the Circuit Court of the county in which the business is located, in the name of the People of the State of Illinois, for the orderly liquidation and dissolution of the business and for an injunction restraining the licensee and its officers and directors from continuing the operation of the business. Within 30 days after the day the Secretary ~~Director~~ determines that the business

should be liquidated, the receiver shall file with the Secretary ~~Director~~ and with the clerk of the court that has charge of the liquidation a correct list of all creditors, as shown by the licensee's books and records, who have not presented their claims. The list shall state the amount of the claim after allowing all just credits, deductions, and set-offs as shown by the licensee's books. These claims shall be deemed proven unless some interested party files an objection within the time fixed by the Secretary ~~Director~~ or court that has charge of the liquidation.

(c) The General Assembly finds and declares that debt management services provide an important service ~~and vital services~~ to Illinois citizens. It is therefore declared to be the policy of this State that customers who receive these services must be protected from interruptions of services. To carry out this policy and to insure that customers of a licensee are protected if it is determined that a business in receivership should be liquidated, the Secretary ~~Director~~ shall make a distribution of moneys collected by the receiver in the following order of priority:

(1) Allowed claims for the actual necessary expenses of the receivership of the business being liquidated, including:

(A) reasonable receiver's fees and receiver's attorney's fees approved by the Secretary ~~Director~~;

(B) all expenses of any preliminary or other examinations into the condition of the receivership;

(C) all expenses incurred by the Secretary ~~Director~~ that are incident to possession and control of any property or records of the licensee's business; and

(D) reasonable expenses incurred by the Secretary ~~Director~~ as the result of business agreements or contractual arrangements necessary to insure that the services of the licensee are delivered to the community without interruption. These business agreements or contractual arrangements may include, but are not limited to, agreements made by the Secretary ~~Director~~, or by the receiver with the approval of the Secretary ~~Director~~, with banks, bonding companies, and other types of financial institutions.

(1.5) Secured claims.

(2) Allowed unsecured claims for wages or salaries, excluding vacation, severance, and sick leave pay earned by employees within 90 days before the appointment of a receiver.

(3) Allowed unsecured claims of any tax, and interest and penalty on the tax.

(4) Allowed unsecured claims, other than a kind specified in items (1), (2), and (3) of this subsection, filed with the Secretary ~~Director~~ within the time the Secretary ~~Director~~ fixes for filing claims.

(5) Allowed unsecured claims, other than a kind specified in items (1), (2), and (3) of this subsection, filed with the Secretary ~~Director~~ after the time fixed for filing claims by the Secretary ~~Director~~.

(6) Allowed creditor claims asserted by an owner, member, or stockholder of the business in liquidation.

(7) After one year from the final dissolution of the licensee's business, all assets not used to satisfy allowed claims shall be distributed pro rata to the owner, owners, members, or stockholders of the business.

The Secretary ~~Director~~ shall pay all claims of equal priority according to the schedule established in this subsection and shall not pay claims of lower priority until all higher priority claims are satisfied. If insufficient assets are available to meet all claims of equal priority, those assets shall be distributed pro rata among those claims. All unclaimed assets of a licensee and the licensee's business shall be deposited with the Secretary ~~Director~~ to be paid out when proper claims are presented to the Secretary ~~Director~~.

(d) Upon the order of the circuit court of the county in which the business being liquidated is located, the receiver may sell or compound any bad or doubtful debt, and on like order may sell the personal property of the business on such terms as the court approves. The receiver shall succeed to whatever rights or remedies the unsecured creditors of the business may have against the owner or owners, operators, stockholders, directors, members, managers, or officers, arising out of their claims against the licensee's business, but nothing contained in this Section shall prevent those creditors from filing their claims in the liquidation proceeding. The receiver may enforce those rights or remedies in any court of competent jurisdiction.

(e) At the close of a receivership, the receiver shall turn over to the Secretary ~~Director~~ all books of account and ledgers of the business for preservation. The Secretary ~~Director~~ shall hold all records of receiverships received at any time for a period of 2 years after the close of the receivership. The records may be destroyed at the termination of the 2-year period. All expenses of the receivership including, but not limited to, reasonable receiver's and attorney's fees approved by the Secretary ~~Director~~, all expenses of any

preliminary or other examinations into the condition of the licensee's business or the receivership, and all expenses incident to the possession and control of any property or records of the business incurred by the Secretary ~~Director~~ shall be paid out of the assets of the licensee's business. These expenses shall be paid before all other claims.

(f) Upon the filing of a complaint by the Attorney General for the orderly liquidation and dissolution of a debt management service provider's ~~licensee's~~ business, as provided in this Act, all pending suits and actions upon unsecured claims against the business shall abate. Nothing contained in this Act, however, prevents these claimants from filing their claims in the liquidation proceeding. If a suit or an action is instituted or maintained by the receiver on any bond or policy of insurance issued pursuant to the requirements of this Act, the bonding or insurance company sued shall not have the right to interpose or maintain any counterclaim based upon subrogation, upon any express or implied agreement of, or right to, indemnity or exoneration, or upon any other express or implied agreement with, or right against, the debt management service provider's ~~licensee's~~ business. Nothing contained in this Act prevents the bonding or insurance company from filing this type of claim in the liquidation proceeding.

(g) A debt management service provider's ~~licensee~~ may not terminate its affairs and close up its business unless it has first deposited with the Secretary ~~Director~~ an amount of money equal to all of its debts, liabilities, and lawful demands against it including the costs and expenses of a proceeding under this Section, surrendered to the Secretary ~~Director~~ its license, and filed with the Secretary ~~Director~~ a statement of termination signed by the debt management service provider's ~~licensee~~ containing a pronouncement of intent to close up its business and liquidate its liabilities and containing a sworn list itemizing in full all of its debts, liabilities, and lawful demands against it. Corporate licensees must attach to, and make a part of the statement of termination, a copy of a resolution providing for the termination and closing up of the licensee's affairs, certified by the secretary of the licensee and duly adopted at a shareholders' meeting by the holders of at least two-thirds of the outstanding shares entitled to vote at the meeting. Upon the filing with the Secretary ~~Director~~ of a statement of termination, the Secretary ~~Director~~ shall cause notice of that action to be published once each week for 3 consecutive weeks in a public newspaper of general circulation published in the city or village where the business is located, and if no newspaper is published in that place, then in a public newspaper of general circulation nearest to that city or village. The publication shall give notice that the debts, liabilities, and lawful demands against the business will be redeemed by the Secretary ~~Director~~ upon demand in writing made by the owner thereof, at any time within 3 years after the date of first publication. After the expiration of the 3-year period, the Secretary ~~Director~~ shall return to the person or persons designated in the statement of termination to receive repayment, and in the proportion specified in that statement, any balance of money remaining in his or her possession after first deducting all unpaid costs and expenses incurred in connection with a proceeding under this Section. The Secretary ~~Director~~ shall receive for his or her services, exclusive of costs and expenses, 2% of any amount up to $5,000 and 1% of any amount in excess of $5,000 deposited with him or her under this Section by any business. Nothing contained in this Section shall affect or impair the liability of any bonding or insurance company on any bond or insurance policy issued under this Act relating to the business.

(Source: P.A. 92-400, eff. 1-1-02.)

Section 910. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2III as follows:

(815 ILCS 505/2III new)

Sec. 2III. Violations of the Debt Settlement Consumer Protection Act. Any person who violates the Debt Settlement Consumer Protection Act commits an unlawful practice within the meaning of this Act.

(205 ILCS 665/13.5 rep.) (205 ILCS 665/15.1 rep.) (205 ILCS 665/15.2 rep.) (205 ILCS 665/15.3 rep.)

Section 915. The Debt Management Service Act is amended by repealing Sections 13.5, 15.1, 15.2, and 15.3.

Section 970. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999. Effective date. This Act takes effect upon becoming law.".

Floor Amendment No. 2 remained in the Committee on Consumer Protection.

Representative Colvin offered the following amendment and moved its adoption:

AMENDMENT NO. 3. Amend House Bill 4781, AS AMENDED, by replacing everything after the

enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Debt Settlement Consumer Protection Act.

Section 5. Purpose and construction. The purpose of this Act is to protect consumers who enter into agreements with debt settlement providers and to regulate debt settlement providers. This Act shall be construed as a consumer protection law for all purposes. This Act shall be liberally construed to effectuate its purpose.

Section 10. Definitions. As used in this Act:

"Consumer" means any person who purchases or contracts for the purchase of debt settlement services.

"Consumer settlement account" means any account or other means or device in which payments, deposits, or other transfers from a consumer are arranged, held, or transferred by or to a debt settlement provider for the accumulation of the consumer's funds in anticipation of proffering an adjustment or settlement of a debt or obligation of the consumer to a creditor on behalf of the consumer.

"Debt settlement provider" means any person or entity engaging in, or holding itself out as engaging in, the business of providing debt settlement service in exchange for any fee or compensation, or any person who solicits for or acts on behalf of any person or entity engaging in, or holding itself out as engaging in, the business of providing debt settlement service in exchange for any fee or compensation. "Debt settlement provider" does not include:

(1) attorneys licensed, or otherwise authorized, to practice in Illinois who are engaged in the practice of law;

(2) escrow agents, accountants, broker dealers in securities, or investment advisors in securities, when acting in the ordinary practice of their professions and through the entity used in the ordinary practice of their profession;

(3) any bank, agent of a bank, operating subsidiary of a bank, affiliate of a bank, trust company, savings and loan association, savings bank, credit union, crop credit association, development credit corporation, industrial development corporation, title insurance company, title insurance agent, independent escrowee or insurance company operating or organized under the laws of a state or the United States, or any other person authorized to make loans under State law while acting in the ordinary practice of that business;

(4) any person who performs credit services for his or her employer while receiving a regular salary or wage when the employer is not engaged in the business of offering or providing debt settlement service;

(5) a collection agency licensed pursuant to the Collection Agency Act that is collecting a debt on its own behalf or on behalf of a third party;

(6) an organization that is described in Section 501(c)(3) and subject to Section 501(q) of Title 26 of the United States Code and exempt from tax under Section 501(a) of Title 26 of the United States Code and governed by the Debt Management Service Act;

(7) public officers while acting in their official capacities and persons acting under court order;

(8) any person while performing services incidental to the dissolution, winding up, or liquidating of a partnership, corporation, or other business enterprise; or

(9) persons licensed under the Real Estate License Act of 2000 when acting in the ordinary practice of their profession and not holding themselves out as debt settlement providers.

"Debt settlement service" means:

(1) offering to provide advice or service, or acting as an intermediary between or on behalf of a consumer and one or more of a consumer's creditors, where the primary purpose of the advice, service, or action is to obtain a settlement, adjustment, or satisfaction of the consumer's unsecured debt to a creditor in an amount less than the full amount of the principal amount of the debt or in an amount less than the current outstanding balance of the debt; or

(2) offering to provide services related to or providing services advising, encouraging, assisting, or counseling a consumer to accumulate funds for the primary purpose of proposing or obtaining or seeking to obtain a settlement, adjustment, or satisfaction of the consumer's unsecured debt to a creditor in an amount less than the full amount of the principal amount of the debt or in an amount less than the current outstanding balance of the debt.

"Debt settlement service" does not include (A) the services of attorneys licensed, or otherwise authorized, to practice in Illinois who are engaged in the practice of law or (B) debt management service as defined in the Debt Management Service Act.

"Enrollment or set up fee" means any fee, obligation, or compensation paid or to be paid by

the consumer to a debt settlement provider in consideration of or in connection with establishing a contract or other agreement with a consumer related to the provision of debt settlement service.

"Maintenance fee" means any fee, obligation, or compensation paid or to be paid by the consumer on a periodic basis to a debt settlement provider in consideration of maintaining the relationship and services to be provided by a debt settlement provider in accordance with a contract with a consumer related to the provision of debt settlement service.

"Principal amount of the debt" means the total amount or outstanding balance owed by a consumer to one or more creditors for a debt that is included in a contract for debt settlement service at the time when the consumer enters into a contract for debt settlement service.

"Savings" means the difference between the principal amount of the debt and the amount paid by the debt settlement provider to the creditor or negotiated by the debt settlement provider and paid by the consumer to the creditor pursuant to a settlement negotiated by the debt settlement provider on behalf of the consumer as full and complete satisfaction of the creditor's claim with regard to that debt.

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

"Settlement fee" means any fee, obligation, or compensation paid or to be paid by the consumer to a debt settlement provider in consideration of or in connection with a completed agreement or other arrangement on the part of a creditor to accept less than the principal amount of the debt as satisfaction of the creditor's claim against the consumer.

Section 15. Requirement of license. It shall be unlawful for any person or entity to act as a debt settlement provider except as authorized by this Act and without first having obtained a license under this Act.

Section 20. Application for license. An application for a license to operate as a debt settlement provider in this State shall be made to the Secretary and shall be in writing, under oath, and in the form prescribed by the Secretary.

Each applicant, at the time of making such application, shall pay to the Secretary the required fee as set by rule.

Every applicant shall submit to the Secretary, at the time of the application for a license, a bond to be approved by the Secretary in which the applicant shall be the obligor, in the sum of $100,000 or an additional amount as required by the Secretary, and in which an insurance company, which is duly authorized by the State of Illinois to transact the business of fidelity and surety insurance, shall be a surety.

The bond shall run to the Secretary for the use of the Department or of any person or persons who may have a cause of action against the obligor in said bond arising out of any violation of this Act or rules by a debt settlement provider. Such bond shall be conditioned that the obligor must faithfully conform to and abide by the provisions of this Act and of all rules, regulations, and directions lawfully made by the Secretary and pay to the Secretary or to any person or persons any and all money that may become due or owing to the State or to such person or persons, from the obligor under and by virtue of the provisions of this Act.

Section 25. Qualifications for license. Upon the filing of the application and the approval of the bond and the payment of the specified fees, the Secretary may issue a license if he or she finds all of the following:

(1) The financial responsibility, experience, character, and general fitness of the applicant, the managers, if the applicant is a limited liability company, the partners, if the applicant is a partnership, and the officers and directors, if the applicant is a corporation or a not for profit corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated fairly, honestly, and efficiently within the purposes of this Act.

(2) The applicant, if an individual, the managers, if the applicant is a limited liability company, the partners, if the applicant is a partnership, and the officers and directors, if the applicant is a corporation, have not been convicted of a felony or a misdemeanor or disciplined with respect to a license or are not currently the subject of a license disciplinary proceeding concerning allegations involving dishonesty or untrustworthiness.

(3) The person or persons have not had a record of having defaulted in the payment of money collected for others, including the discharge of those debts through bankruptcy proceedings.

(4) The applicant, or any officers, directors, partners, or managers have not previously violated any provision of this Act or any rule lawfully made by the Secretary.

(5) The applicant has not made any false statement or representation to the Secretary in applying for a license under this Section.

The Secretary shall deliver a license to the applicant to operate as a debt settlement provider in

accordance with the provisions of this Act at the location specified in the application. The license shall remain in full force and effect until it is surrendered by the debt settlement provider or revoked by the Secretary as provided in this Act; provided, however, that each license shall expire by its terms on January 1 next following its issuance unless it is renewed as provided in this Act. A license, however, may not be surrendered without the approval of the Secretary.

More than one license may be issued to the same person for separate places of business, but separate applications shall be made for each location conducting business with Illinois residents.

Section 30. Renewal of license.

(a) Each debt settlement provider under the provisions of this Act may make application to the Secretary for renewal of its license, which application for renewal shall be on the form prescribed by the Secretary and shall be accompanied by a fee of $1000 together with a bond or other surety as required, in a minimum amount of $100,000 or an amount as required by the Secretary based on the amount of disbursements made by the licensee in the previous year. The application must be received by the Department no later than December 1 of the year preceding the year for which the application applies.

Section 33. Annual report; debt settlement provider disclosure of statistical information; Secretary to report statistical information.

(a) A debt settlement provider must file an annual report with the Secretary that must include all of the following data:

(1) for each Illinois resident:

(i) the number of accounts enrolled;

(ii) the principal amount of debt at the time each account was enrolled;

(iii) the status of each account (for example, active or terminated);

(iv) whether the account has been settled, and if so, the settlement amount and the corresponding principal amount of debt enrolled for that account;

(v) the total amount of fees paid to the debt settlement service provider;

(vi) whether the creditor has filed suit on the account debt;

(vii) the date the resident is expected to complete the debt settlement program; and

(viii) the date the resident canceled, terminated, or became inactive in the program, if applicable.

(2) for persons completing the program during the reporting period, the median and mean percentage of savings and the median and mean fees paid to the debt settlement service provider;

(3) for persons who cancelled, became inactive, or terminated the program during the reporting period, the median and mean percentage of the savings and the median and mean fees paid to the debt settlement service provider;

(4) the percentage of Illinois residents who canceled, terminated, became inactive, or completed the program without the settlement of all of the enrolled debt; and

(5) the total amount of fees collected from Illinois residents.

The annual report must contain a declaration executed by an official authorized by the debt settlement provider under penalty of perjury that states that the report complies with this Section.

(b) The Secretary may prepare and make available to the public an annual consolidated report of all the data debt settlement providers are required to report pursuant to subsection (a) of this Section.

Section 35. License; display and location of license. Each license issued shall be kept conspicuously posted in the place of business of the debt settlement provider. The business location may be changed by any debt settlement provider upon 10 days prior written notice to the Secretary. A debt settlement provider must operate under the name as stated in its original application.

Section 45. Denial of license. Any complete application for a license shall be approved or denied within 60 days after the filing of the complete application with the Secretary.

Section 50. Revocation or suspension of license.

(a) The Secretary may revoke or suspend any license if he or she finds that:

(1) any debt settlement provider has failed to pay the annual license fee or to maintain in effect the bond required under the provisions of this Act;

(2) the debt settlement provider has violated any provisions of this Act or any rule lawfully made by the Secretary under the authority of this Act;

(3) any fact or condition exists that, if it had existed at the time of the original application for a license, would have warranted the Secretary in refusing its issuance; or

(4) any applicant has made any false statement or representation to the Secretary in applying for a license under this Act.

(b) In every case in which a license is suspended or revoked or an application for a license or renewal of a license is denied, the Secretary shall serve notice of his or her action, including a statement of the reasons for his or her actions, either personally or by certified mail, return receipt requested. Service by mail shall be deemed completed if the notice is deposited in the U.S. Mail.

(c) In the case of a denial of an application or renewal of a license, the applicant or debt settlement provider may request, in writing, a hearing within 30 days after the date of service. In the case of a denial of a renewal of a license, the license shall be deemed to continue in force until 30 days after the service of the notice of denial, or if a hearing is requested during that period, until a final administrative order is entered.

(d) An order of revocation or suspension of a license shall take effect upon service of the order unless the debt settlement provider requests, in writing, a hearing within 10 days after the date of service. In the event a hearing is requested, the order shall be stayed until a final administrative order is entered.

(e) If the debt settlement provider requests a hearing, then the Secretary shall schedule the hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

(f) The hearing shall be held at the time and place designated by the Secretary. The Secretary and any administrative law judge designated by the Secretary have the power to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of books, papers, correspondence, and other records or information that the Secretary considers relevant or material to the injury.

(g) The costs for the administrative hearing shall be set by rule.

Section 55. Contracts, books, records, and contract cancellation. Each debt settlement provider shall furnish to the Secretary, when requested, a copy of the contract entered into between the debt settlement provider and the debtor. The debt settlement provider shall furnish the debtor with a copy of the written contract at the time of execution, which shall set forth the charges, if any, agreed upon for the services of the debt settlement provider.

Each debt settlement provider shall maintain records and accounts that will enable any debtor contracting with the debt settlement provider, at any reasonable time, to ascertain the status of all the debtor's accounts with the debt settlement service provider, including, but not limited to, the amount of any fees paid by the debtor, amount held in trust (if applicable), settlement offers made and received on each of the debtor's accounts, and legally enforceable settlements reached with the debtor's creditors. A statement showing the total amount received and the total disbursements to each creditor shall be furnished by the debt settlement provider to any individual within 7 days after a request therefor by the said debtor. Each debt settlement provider shall issue a receipt for each payment made by the debtor at a debt settlement provider office. Each debt settlement provider shall prepare and retain in the file of each debtor a written analysis of debtor's income and expenses to substantiate that the plan of payment is feasible and practical.

Section 60. Examination of debt settlement provider; duty to disclose a post-license event.

(a) The Secretary at any time, either in person or through an appointed representative, may examine the condition and affairs of a debt settlement provider. In connection with any examination, the Secretary may examine on oath any debt settlement provider and any director, officer, employee, customer, manager, partner, member, creditor, or stockholder of a debt settlement provider concerning the affairs and business of the debt settlement provider. The Secretary shall ascertain whether the debt settlement provider transacts its business in the manner prescribed by law and the rules issued thereunder. The debt settlement provider shall pay the cost of the examination as determined by the Secretary by administrative rule. Failure to pay the examination fee within 30 days after receipt of demand from the Secretary may result in the suspension of the license until the fee is paid. The Secretary shall have the right to investigate and examine any person, whether licensed or not, who is engaged in the debt settlement service business. The Secretary shall have the power to subpoena the production of any books and records pertinent to any investigation.

(b) Each debt settlement provider shall disclose promptly to the Secretary, but in no event more than 30 days after the occurrence of the event, any change in any of the criteria listed in Section 25 of this Act for the issuance of a license.

Section 65. Trust funds; requirements and restrictions.

(a) All funds received by a debt settlement provider or his agent from and for the purpose of paying bills, invoices, or accounts of a debtor shall constitute trust funds owned by and belonging to the debtor from whom they were received. All such funds received by the debt settlement provider shall be separated from the funds of the debt settlement provider not later than the end of the business day following receipt by the debt settlement provider. All such funds shall be kept separate and apart at all times from funds belonging

to the debt settlement provider or any of its officers, employees, or agents and may be used for no purpose other than paying bills, invoices, or accounts of the debtor. All such trust funds received at the main or branch offices of a debt settlement provider shall be deposited in a bank in an account in the name of the debt settlement provider-designated trust account, or by some other appropriate name indicating that the funds are not the funds of the debt settlement provider or its officers, employees, or agents, on or before the close of the business day following receipt.

(b) Such funds are not subject to attachment, lien, levy of execution, or sequestration by order of court except by a debtor for whom a debt settlement provider is acting as an agent in paying bills, invoices, or accounts.

(c) At least once every month, the debt settlement provider shall render an accounting to the debtor that shall itemize the total amount received from the debtor, the total amount paid each creditor, the amount of charges deducted, and any amount held in reserve, if applicable, and the status of each of the debtors, enrolled accounts. A debt settlement provider shall, in addition, provide such an accounting to a debtor within 7 days after written demand, but not more than 3 times per 6-month period.

(d) Nothing in this Act requires the establishment of a trust account if no consumer funds other than earned settlement fees are held or controlled by a debt settlement provider.

Section 75. Rules. The Secretary shall adopt and enforce all reasonable rules necessary or appropriate for the administration of this Act. The rulemaking shall be subject to the provisions of the Illinois Administrative Procedure Act.

Section 80. Penalties.

(a) Any person who operates as a debt settlement provider without a license shall be guilty of a Class 4 felony.

(b) Any contract of debt settlement service as defined in this Act made by an unlicensed person shall be null and void and of no legal effect.

(c) The Secretary may, after 10 days notice by registered mail to the debt settlement service provider at the address on the license or unlicensed entity engaging in the debt settlement service business, stating the contemplated action and in general the grounds therefore, fine such debt settlement service provider or unlicensed entity an amount not exceeding $10,000 per violation, and revoke or suspend any license issued hereunder if he or she finds that:

(1) The debt settlement service provider has failed to comply with any provision of this Act or any order, decision, finding, rule, regulation or direction of the Secretary lawfully made pursuant to the authority of this Act; or

(2) Any fact or condition exists which, if it had existed at the time of the original application for the license, clearly would have warranted the Secretary in refusing to issue the license.

Section 83. Additional liability for unlicensed activity. Any person who, without the required license, engages in conduct requiring a license under this Act without the required license shall be liable to the Department in an amount equal to the greater of (1) $1,000 or (2) an amount equal to four times the amount of consumer debt enrolled. The Department shall cause any funds so recovered to be deposited in the Debt Settlement Consumer Protection Fund.

Section 85. Injunction. To engage in debt settlement service, render financial service, or accept debtors' funds, as defined in this Act, without a valid license so to do, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Secretary may, in the name of the people of the State of Illinois, through the Attorney General of the State of Illinois, file a complaint for an injunction in the circuit court to enjoin such person, from engaging in that business. An injunction proceeding shall be in addition to, and not in lieu of, penalties and remedies otherwise in this Act provided.

Section 90. Review. All final administrative decisions of the Secretary under this Act shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, including all amendments, modifications, and adopted rules.

Section 95. Cease and desist orders.

(a) The Secretary may issue a cease and desist order to any debt settlement provider or other person doing business without the required license when, in the opinion of the Secretary, the debt settlement provider or other person is violating or is about to violate any provision of the Act or any rule or condition imposed in writing by the Department.

(b) The Secretary may issue a cease and desist order prior to a hearing.

(c) The Secretary shall serve notice of his or her action, including a statement of the reasons for his or her action either personally or by certified mail, return receipt requested. Service by mail shall be deemed completed if the notice is deposited in the U.S. Mail.

(d) Within 10 days after service of the cease and desist order, the licensee or other person may request, in writing, a hearing.

(e) The Secretary shall schedule a hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

(f) If it is determined that the Secretary had the authority to issue the cease and desist order, then he or she may issue such orders as may be reasonably necessary to correct, eliminate, or remedy that conduct.

(g) The powers vested in the Secretary by this Section are additional to any and all other powers and remedies vested in the Secretary by law, and nothing in this Section shall be construed as requiring that the Secretary shall employ the power conferred in this Section instead of or as a condition precedent to the exercise of any other power or remedy vested in the Secretary.

(h) The cost for the administrative hearing shall be set by rule.

Section 100. Moneys received; Financial Institution Fund. All moneys received by the Division of Financial Institutions under this Act, except for moneys received for the Debt Settlement Consumer Protection Fund, shall be deposited in the Financial Institution Fund created under Section 6z-26 of the State Finance Act.

Section 103. Debt Settlement Consumer Protection Fund.

(a) A special income-earning fund is hereby created in the State Treasury, known as the Debt Settlement Consumer Protection Fund. This fund is not subject to appropriation by the Illinois General Assembly.

(b) All moneys paid into the fund together with all accumulated, undistributed income thereon shall be held as a special fund in the State treasury. All interest earned on the fund is non-distributable and shall be returned to the Fund, and shall be invested and re-invested in the Fund by the Treasurer or his or her designee. The fund shall be used solely for the purpose of providing restitution to consumers who have suffered monetary loss arising out of a transaction regulated by this Act.

(c) The fund shall be applied only to restitution when restitution has been ordered by the Secretary. Restitution shall not exceed the amount actually lost by the consumer. The fund shall not be used for the payment of any attorney or other fees.

(d) The fund shall be subrogated to the amount of the restitution, and the Secretary shall request the Attorney General to engage in all reasonable collection steps to collect restitution from the party responsible for the loss and reimburse the fund.

(e) Notwithstanding any other provisions of this Section, the payment of restitution from the fund shall be a matter of grace and not right, and no consumer shall have any vested rights in the fund as a beneficiary or otherwise. Before seeking restitution from the fund, the consumer or beneficiary seeking payment of restitution shall apply for restitution on a form provided by the Secretary. The form shall include any information the Secretary may reasonably require in order to determine that restitution is appropriate. All documentation required by the Secretary, including the form, is subject to audit. Distributions from the fund shall be made solely at the discretion of the Secretary, except that no payments or distributions may be made under any circumstance if the fund is depleted.

(f) All deposits to this Fund shall be made pursuant to Section 83 of this Act.

(g) Notwithstanding any other law to the contrary, the Fund is not subject to administrative charges or charge-backs that would in any way transfer moneys from the Fund into any other fund of the State.

Section 105. Advertising and marketing practices.

(a) A debt settlement provider shall not represent, expressly or by implication, any results or outcomes of its debt settlement services in any advertising, marketing, or other communication to consumers unless the debt settlement provider possesses substantiation for such representation at the time such representation is made.

(b) A debt settlement provider shall not, expressly or by implication, make any unfair or deceptive representations, or any omissions of material facts, in any of its advertising or marketing communications concerning debt settlement services.

(c) All advertising and marketing communications concerning debt settlement services shall disclose the following material information clearly and conspicuously:

"Debt settlement services are not appropriate for everyone. Failure to pay your monthly bills in a timely manner will result in increased balances and will harm your credit rating. Not all creditors will agree to reduce principal balance, and they may pursue collection, including lawsuits."

Section 110. Individualized financial analysis.

(a) Prior to entering into a written contract with a consumer, a debt settlement provider shall prepare and provide to the consumer in writing and retain a copy of:

(1) an individualized financial analysis, including the individual's income, expenses,

and debts; and

(2) a statement containing a good faith estimate of the length of time it will take to complete the debt settlement program, the total amount of debt owed to each creditor included in the debt settlement program, the total savings estimated to be necessary to complete the debt settlement program, and the monthly targeted savings amount estimated to be necessary to complete the debt settlement program.

(b) A debt settlement provider shall not enter into a written contract with a consumer unless it makes written determinations, supported by the financial analysis, that:

(1) the consumer can reasonably meet the requirements of the proposed debt settlement program, including the fees and the periodic savings amounts set forth in the savings goals; and

(2) the debt settlement program is suitable for the consumer at the time the contract is to be signed.

Section 115. Required pre-sale consumer disclosures and warnings.

(a) Before the consumer signs a contract, the debt settlement provider shall provide an oral and written notice to the consumer that clearly and conspicuously discloses all of the following:

(1) Debt settlement services may not be suitable for all consumers.

(2) Using a debt settlement service likely will harm the consumer's credit history and credit score.

(3) Using a debt settlement service does not stop creditor collection activity, including creditor lawsuits and garnishments

(4) Not all creditors will accept a reduction in the balance, interest rate, or fees a consumer owes.

(5) The consumer should inquire about other means of dealing with debt, including, but not limited to, nonprofit credit counseling and bankruptcy.

(6) The consumer remains obligated to make periodic or scheduled payments to creditors while participating in a debt settlement plan, and that the debt settlement provider will not make any periodic or scheduled payments to creditors on behalf of the consumer.

(7) The failure to make periodic or scheduled payments to a creditor is likely to:

(A) harm the consumer's credit history, credit rating, or credit score;

(B) lead the creditor to increase lawful collection activity, including litigation, garnishment of the consumer's wages, and judgment liens on the consumer's property; and

(C) lead to the imposition by the creditor of interest charges, late fees, and other penalty fees, increasing the principal amount of the debt.

(8) The amount of time estimated to be necessary to achieve the represented results.

(9) The estimated amount of money or the percentage of debt the consumer must accumulate before a settlement offer will be made to each of the consumer's creditors.

(b) The consumer shall sign and date an acknowledgment form entitled "Consumer Notice and Rights Form" that states: "I, the debtor, have received from the debt settlement provider a copy of the form entitled "Consumer Notice and Rights Form"." The debt settlement provider or its representative shall also sign and date the acknowledgment form, which includes the name and address of the debt settlement services provider. The acknowledgment form shall be in duplicate and incorporated into the "Consumer Notice and Rights Form". The original acknowledgment form shall be retained by the debt settlement provider, and the duplicate copy shall be retained within the form by the consumer.

If the acknowledgment form is in electronic form, then it shall contain the consumer disclosures required by Section 101(c) of the federal Electronic Signatures in Global and National Commerce Act.

(c) The requirements of this Section are satisfied if the provider provides the following warning verbatim, both orally and in writing, with the caption "CONSUMER NOTICE AND RIGHTS FORM" in at least 28-point font and the remaining portion in at least 14-point font, to a consumer before the consumer signs a contract for the debt settlement provider's services:

"CONSUMER NOTICE AND RIGHTS FORM

CAUTION

We CANNOT GUARANTEE that you successfully will reduce or eliminate your debt.

If you stop paying your creditors, there is a strong likelihood some or all of the following may happen:

- CREDITORS MAY STILL CONTACT YOU AND TRY TO COLLECT.
- CREDITORS MAY STILL SUE YOU FOR THE MONEY YOU OWE.
- YOUR WAGES OR BANK ACCOUNT MAY STILL BE GARNISHED.
- YOUR CREDIT RATING AND CREDIT SCORE LIKELY WILL BE HARMED.

- NOT ALL CREDITORS WILL AGREE TO ACCEPT A BALANCE REDUCTION.

- YOU SHOULD CONSIDER ALL YOUR OPTIONS FOR ADDRESSING YOUR DEBT, SUCH AS CREDIT COUNSELING AND BANKRUPTCY FILING.

- THE AMOUNT OF MONEY YOU OWE MAY INCREASE DUE TO CREDITOR IMPOSITION OF INTEREST CHARGES, LATE FEES, AND OTHER PENALTY FEES.

- EVEN IF WE DO SETTLE YOUR DEBT, YOU MAY STILL BE REQUIRED TO PAY TAXES ON THE AMOUNT FORGIVEN.

YOUR RIGHT TO CANCEL

If you sign a contract with a Debt Settlement Provider, you have the right to cancel at any time and receive a full refund of all unearned fees you have paid to the provider and all funds placed in your settlement fund that have not been paid to any creditors.

IF YOU ARE DISSATISFIED
OR YOU HAVE QUESTIONS

If you are dissatisfied with a debt settlement provider or have any questions, please bring it to the attention of the Illinois Attorney General's Office and the Department of Financial and Professional Regulation.

Attorney General Toll-Free Numbers:

Carbondale (800) 243-0607

Springfield (800) 243-0618

Chicago (800) 386-5438

Website for Department of Financial and Professional Regulation: www.idfpr.com

I, the debtor, have received from the debt settlement provider a copy of the form entitled Consumer Notice and Rights Form.".

Section 120. Debt settlement contract.

(a) A debt settlement provider shall not provide debt settlement service to a consumer without a written contract signed and dated by both the consumer and the debt settlement provider.

(b) Any contract for the provision of debt settlement service entered into in violation of the provisions of this Section is void.

(c) A contract between a debt settlement provider and a consumer for the provision of debt settlement service shall disclose all of the following clearly and conspicuously:

(1) The name and address of the consumer.

(2) The date of execution of the contract.

(3) The legal name of the debt settlement provider, including any other business names used by the debt settlement provider.

(4) The corporate address and regular business address, including a street address, of the debt settlement provider.

(5) The telephone number at which the consumer may speak with a representative of the debt settlement provider during normal business hours.

(6) A complete list of the consumer's accounts, debts, and obligations to be included in the provision of debt settlement service, including the name of each creditor and principal amount of each debt.

(7) A description of the services to be provided by the debt settlement provider, including the expected time frame for settlement for each account, debt, or obligation included in item (6) of this subsection (c).

(8) An itemized list of all fees to be paid by the consumer to the debt settlement provider, and the date, approximate date, or circumstances under which each fee will become due.

(9) A good faith estimate of the total amount of all fees and compensation, not to exceed the amounts specified in Section 125 of this Act, to be collected by the debt settlement provider from the consumer for the provision of debt settlement service contemplated by the contract.

(10) A statement of the proposed savings goals for the consumer, stating the amount to be saved per month or other period, time period over which savings goal extends, and the total amount of the savings expected to be paid by the consumer pursuant to the terms of the contract.

(11) The amount of money or the percentage of debt the consumer must accumulate before a settlement offer will be made to each of the consumer's creditors.

(12) The written individualized financial analysis required by Section 110 of this Act.

(13) The contents of the "Consumer Notice and Rights Form" provided in Section 115.

(14) A written notice to the consumer that the consumer may cancel the contract at any

time until after the debt settlement provider has fully performed each service the debt settlement provider contracted to perform or represented he or she would perform, and upon that event:

(A) the consumer shall be entitled to a full refund of all unearned fees and compensation paid by the consumer to the debt settlement provider, and a full refund of all funds provided by the consumer to the debt settlement provider for a consumer settlement account, except for funds actually paid to a creditor on behalf of the consumer, under the terms of the contract for debt settlement service; and

(B) all powers of attorney granted to the debt settlement provider by the consumer shall be considered revoked and voided.

(15) A form the consumer may use to cancel the contract pursuant to the provisions of Section 135 of this Act. The form shall include the name and mailing address of the debt settlement provider and shall disclose clearly and conspicuously how the consumer can cancel the contract, including applicable addresses, telephone numbers, facsimile numbers, and electronic mail addresses the consumer can use to cancel the contract.

(f) If a debt settlement provider communicates with a consumer primarily in a language other than English, then the debt settlement provider shall furnish to the consumer a translation of all the disclosures and documents required by this Act in that other language.

Section 125. Fees.

(a) A debt settlement provider shall not charge fees of any type or receive compensation from a consumer in a type, amount, or timing other than fees or compensation permitted in this Section.

(b) A debt settlement provider shall not charge or receive from a consumer any enrollment fee, set up fee, up front fee of any kind, or any maintenance fee, except for a one-time enrollment fee of no more than $50.

(c) A debt settlement provider may charge a settlement fee, which shall not exceed an amount greater than 15% of the savings. If the amount paid by the debt settlement provider to the creditor or negotiated by the debt settlement provider and paid by the consumer to the creditor pursuant to a settlement negotiated by the debt settlement provider on behalf of the consumer as full and complete satisfaction of the creditor's claim with regard to that debt is greater than the principal amount of the debt, then the debt settlement provider shall not be entitled to any settlement fee.

(d) A debt settlement provider shall not collect any settlement fee from a consumer until a creditor enters into a legally enforceable agreement to accept funds in a specific dollar amount as full and complete satisfaction of the creditor's claim with regard to that debt and those funds are provided by the debt settlement provider on behalf of the consumer or are provided directly by the consumer to the creditor pursuant to a settlement negotiated by the debt settlement provider

Section 130. Consumer settlement accounts and monthly accounting.

(a) A debt settlement provider who receives funds from a consumer shall hold all funds received for a consumer settlement account in a properly designated trust account in a federally insured depository institution. The funds shall remain the property of the consumer until the debt settlement provider disburses the funds to a creditor on behalf of the consumer as full or partial satisfaction of the consumer's debt to the creditor or the creditor's claim against the consumer. Any interest earned on such account shall be credited to the consumer.

(b) A debt settlement provider shall not be named on a consumer's bank account, take a power of attorney in a consumer's bank account, create a demand draft on a consumer's bank account, or exercise any control over any bank account held by or on behalf of the consumer.

(c) A debt settlement provider shall, no less than monthly, provide each consumer with which it has a contract for the provision of debt settlement service a statement of account balances, fees paid, settlements completed, and remaining debts.

Section 135. Cancellation of contract and right to fee and settlement fund refunds.

(a) A consumer may cancel a contract with a debt settlement provider at any time before the debt settlement provider has fully performed each service the debt settlement provider contracted to perform or represented it would perform.

(b) If a consumer cancels a contract with a debt settlement provider, or at any time upon a material violation of this Act on the part of the debt settlement provider, then the debt settlement provider shall refund all fees and compensation, with the exception of the application fee and any earned settlement fee, as well as all funds paid by the consumer to the debt settlement provider that have accumulated in a consumer settlement account and that the debt settlement provider has not disbursed to creditors. Upon cancellation, all powers of attorney and direct debit authorizations granted to the debt settlement provider

by the consumer shall be considered revoked and voided.

(c) A debt settlement provider shall make any refund required under this Section within 5 business days after the notice of cancellation, and shall include with the refund a full statement of account showing fees received, fees refunded, savings held, payments to creditors, settlement fees earned if any, and savings refunded.

(d) Upon the cancellation of a contract under this Section, the debt settlement provider shall provide timely notice of the cancellation of the contract to each of the creditors with whom the debt settlement provider has had any prior communication on behalf of the consumer in connection with the provision of any debt settlement service.

Section 140. Obligation of good faith. A debt settlement provider shall act in good faith in all matters under this Act.

Section 145. Prohibited practices. A debt settlement provider shall not do any of the following:

(1) Charge or collect from a consumer any fee not permitted by, in an amount in excess of the maximum amount permitted by, or at a time earlier than permitted by Section 125 of this Act.

(2) Advise or represent, expressly or by implication, that consumers should stop making payments to their creditors.

(3) Advise or represent, expressly or by implication, that consumers should stop communicating with their creditors.

(4) Change the mailing address on any of a consumer's creditor's statements.

(5) Make loans or offer credit or solicit or accept any note, mortgage, or negotiable instrument other than a check signed by the consumer and dated no later than the date of signature.

(6) Take any confession of judgment or power of attorney to confess judgment against the consumer or appear as the consumer or on behalf of the consumer in any judicial proceedings.

(7) Take any release or waiver of any obligation to be performed on the part of the debt settlement provider or any right of the consumer.

(8) Advertise, display, distribute, broadcast, or televise services or permit services to be displayed, advertised, distributed, broadcasted, or televised, in any manner whatsoever, that contains any false, misleading, or deceptive statements or representations with regard to any matter, including services to be performed, the fees to be charged by the debt settlement provider, or the effect those services will have on a consumer's credit rating or on creditor collection efforts.

(9) Receive any cash, fee, gift, bonus, premium, reward, or other compensation from any person other than the consumer explicitly for the provision of debt settlement service to that consumer.

(10) Offer or provide gifts or bonuses to consumers for signing a debt settlement service contract or for referring another potential customer or customer.

(11) Disclose to anyone the name or any personal information of a consumer for whom the debt settlement provider has provided or is providing debt settlement service other than to a consumer's own creditors or the debt settlement provider's agents, affiliates, or contractors for the purpose of providing debt settlement service without the prior consent of the consumer.

(12) Enter into a contract with a consumer without first providing the disclosures and financial analysis and making the determinations required by this Section.

(13) Misrepresent any material fact, make a material omission, or make a false promise directed to one or more consumers in connection with the solicitation, offering, contracting, or provision of debt settlement service.

(14) Violate the provisions of applicable do not call statutes.

(15) Purchase debts or engage in the practice or business of debt collection.

(16) Include in a debt settlement agreement any secured debt.

(17) Employ an unfair, unconscionable, or deceptive act or practice, including the knowing omission of any material information.

(18) Engage in any practice that prohibits or limits the consumer or any creditor from communication directly with one another.

(19) Represent or imply to a person participating in or considering debt settlement that purchase of any ancillary goods or services is required.

Section 150. Noncompliance with the Act.

(a) Any waiver by any consumer of any protection provided by or any right of the consumer under this Act:

(1) shall be treated as void; and

(2) may not be enforced by any federal or State court or any other person.

(b) Any attempt by any person to obtain a waiver from any consumer of any protection provided by or any right or protection of the consumer or any obligation or requirement of the debt settlement provider under this Act shall be a violation of this Act.

(c) Any contract for debt settlement service that does not comply with the applicable provisions of this Act:

(1) shall be treated as void; and

(2) may not be enforced by any federal or State court or any other person; and

Upon notice of a void contract, a refund by the debt settlement provider to the consumer shall be made as if the contract had been cancelled as provided in Section 135 of this Act.

Section 155. Civil remedies.

(a) A violation of Section 105, 110, 115, 120, 125, 130, 135, 140, 145, or 150 of this Act constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General or State's Attorney by the Consumer Fraud and Deceptive Business Practices Act shall be available to him or her for the enforcement of this Act.

(b) A consumer who suffers loss by reason of a violation of Section 105, 110, 115, 120, 125, 130, 135, 140, 145, or 150 of this Act may bring a civil action in accordance with the Consumer Fraud and Deceptive Business Practices Act to enforce that provision. All remedies and rights granted to a consumer by the Consumer Fraud and Deceptive Business Practices Act shall be available to the consumer bringing such an action. The remedies and rights provided for in this Act are not exclusive, but cumulative, and all other applicable claims are specifically preserved.

Section 900. The State Finance Act is amended by changing Section 6z-26 and by adding Sections 5.755 and 5.756 as follows:

(30 ILCS 105/5.755 new)

Sec. 5.755. The Debt Management Service Consumer Protection Fund.

(30 ILCS 105/5.756 new)

Sec. 5.756. The Debt Settlement Consumer Protection Fund.

(30 ILCS 105/6z-26)

Sec. 6z-26. The Financial Institution Fund. All moneys received by the Department of Financial and Professional Regulation under the Safety Deposit License Act, the Foreign Exchange License Act, the Pawners Societies Act, the Sale of Exchange Act, the Currency Exchange Act, the Sales Finance Agency Act, the Debt Management Service Act, the Consumer Installment Loan Act, the Illinois Development Credit Corporation Act, the Title Insurance Act, the Debt Settlement Consumer Protection Act, the Debt Management Service Consumer Protection Fund, and any other Act administered by the Department of Financial and Professional Regulation as the successor of the Department of Financial Institutions now or in the future (unless an Act specifically provides otherwise) shall be deposited in the Financial Institution Fund (hereinafter "Fund"), a special fund that is hereby created in the State Treasury.

Moneys in the Fund shall be used by the Department, subject to appropriation, for expenses incurred in administering the above named and referenced Acts.

The Comptroller and the State Treasurer shall transfer from the General Revenue Fund to the Fund any monies received by the Department after June 30, 1993, under any of the above named and referenced Acts that have been deposited in the General Revenue Fund.

As soon as possible after the end of each calendar year, the Comptroller shall compare the balance in the Fund at the end of the calendar year with the amount appropriated from the Fund for the fiscal year beginning on July 1 of that calendar year. If the balance in the Fund exceeds the amount appropriated, the Comptroller and the State Treasurer shall transfer from the Fund to the General Revenue Fund an amount equal to the difference between the balance in the Fund and the amount appropriated.

Nothing in this Section shall be construed to prohibit appropriations from the General Revenue Fund for expenses incurred in the administration of the above named and referenced Acts.

Moneys in the 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.

(Source: P.A. 94-91, eff. 7-1-05.)

Section 905. The Debt Management Service Act is amended by changing Sections 2, 4, 5, 6, 7, 8.5, 9, 10, 11, 11.5, 12, 12.1, 13, 14, 15, 16, 17, 18, 20, and 20.5 and by adding Sections 1.5, 16.5, and 16.6 as follows:

(205 ILCS 665/1.5 new)

Sec. 1.5. Purpose and construction. The purpose of this Act is to protect consumers who enter into

agreements with debt management service providers and to regulate debt management service providers. This Act shall be construed as a consumer protection law for all purposes. This Act shall be liberally construed to effectuate its purpose.

(205 ILCS 665/2) (from Ch. 17, par. 5302)

Sec. 2. Definitions. As used in this Act:

"Credit counselor" means an individual, corporation, or other entity that is not a debt management service that provides (1) guidance, educational programs, or advice for the purpose of addressing budgeting, personal finance, financial literacy, saving and spending practices, or the sound use of consumer credit; or (2) assistance or offers to assist individuals and families with financial problems by providing counseling; or (3) a combination of the activities described in items (1) and (2) of this definition.

"Debt management service" means the planning and management of the financial affairs of a debtor for a fee and the receiving of money from the debtor for the purpose of distributing it~~, directly or indirectly,~~ to the debtor's creditors in payment or partial payment of the debtor's obligations or soliciting financial contributions from creditors. The business of debt management is conducted in this State if the debt management business, its employees, or its agents are located in this State or if the debt management business solicits or contracts with debtors located in this State. "Debt management service" does not include "debt settlement service" as defined in the Debt Settlement Consumer Protection Act.

This term shall not include the following when engaged in the regular course of their respective businesses and professions:

(a) Attorneys at law licensed, or otherwise authorized to practice, in Illinois who are engaged in the practice of law.

(b) Banks, operating subsidiaries of banks, affiliates of banks, fiduciaries, credit unions, savings and loan associations, and savings

banks as duly authorized and admitted to transact business in the State of Illinois and performing credit and financial adjusting service in the regular course of their principal business.

(c) Title insurers, title agents, independent escrowees, and abstract companies, while doing an escrow business.

(d) Judicial officers or others acting pursuant to court order.

(e) Employers for their employees, except that no employer shall retain the services of an outside debt management service to perform this service unless the debt management service is licensed pursuant to this Act. ~~Employers for their employees~~.

(f) Bill payment services, as defined in the Transmitters of Money Act.

(g) Credit counselors, only when providing services described in the definition of credit counselor in this Section.

~~"Director" means Director of Financial Institutions.~~

"Debtor" means the person or persons for whom the debt management service is performed.

"Person" means an individual, firm, partnership, association, limited liability company, corporation, or not-for-profit corporation.

"Licensee" means a person licensed under this Act.

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

(Source: P.A. 95-331, eff. 8-21-07.)

(205 ILCS 665/4) (from Ch. 17, par. 5304)

Sec. 4. Application for license. Application for a license to engage in the debt management service business in this State shall be made to the Secretary ~~Director~~ and shall be in writing, under oath, and in the form prescribed by the Secretary ~~Director~~.

Each applicant, at the time of making such application, shall pay to the Secretary ~~Director~~ the sum of $30.00 as a fee for investigation of the applicant, and the additional sum of $100.00 as a license fee.

Every applicant shall submit to the Secretary ~~Director~~, at the time of the application for a license, a bond to be approved by the Secretary ~~Director~~ in which the applicant shall be the obligor, in the sum of $25,000 or such additional amount as required by the Secretary ~~Director~~ based on the amount of disbursements made by the licensee in the previous year, and in which an insurance company, which is duly authorized by the State of Illinois, to transact the business of fidelity and surety insurance shall be a surety.

The bond shall run to the Secretary ~~Director~~ for the use of the Department or of any person or persons who may have a cause of action against the obligor in said bond arising out of any violation of this Act or rules by a license. Such bond shall be conditioned that the obligor will faithfully conform to and abide by the provisions of this Act and of all rules, regulations and directions lawfully made by the Secretary ~~Director~~ and will pay to the Secretary ~~Director~~ or to any person or persons any and all money that may

become due or owing to the State or to such person or persons, from said obligor under and by virtue of the provisions of this Act.
(Source: P.A. 92-400, eff. 1-1-02.)

(205 ILCS 665/5) (from Ch. 17, par. 5305)

Sec. 5. Qualifications for license. Upon the filing of the application and the approval of the bond and the payment of the specified fees, the Secretary may ~~Director shall~~ issue a license if he finds:

(1) That the financial responsibility, experience, character and general fitness of the applicant, the managers thereof, if the applicant is a limited liability company, the partners thereof, if the applicant is a partnership, and of the officers and directors thereof, if the applicant is a corporation or a not-for-profit corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated fairly, honestly and efficiently within the purposes of this Act, and

(2) That the applicant, if an individual, the managers thereof, if the applicant is a limited liability company, the partners thereof, if the applicant is a partnership, and the officers and directors thereof, if the applicant is a corporation, have not been convicted of a felony or a misdemeanor involving dishonesty or untrustworthiness, and

(3) That the person or persons have not had a record of having defaulted in the payment of money collected for others, including the discharge of such debts through bankruptcy proceedings, and

(4) The applicant, or any officers, directors, partners or managers, have not previously violated any provision of this Act or any rule lawfully made by the Secretary ~~Director~~, and

(5) The applicant has not made any false statement or representation to the Secretary ~~Director~~ in applying for a license hereunder.

The Secretary ~~Director~~ shall deliver a license to the applicant to engage in the debt management service business in accordance with the provisions of this Act at the location specified in the said application, which license shall remain in full force and effect until it is surrendered by the licensee or revoked by the Secretary ~~Director~~ as herein provided; provided, however, that each license shall expire by the terms thereof on January 1 next following the issuance thereof unless the same be renewed as hereinafter provided. A license, however, may not be surrendered without the approval of the Secretary ~~Director~~.

More than one license may be issued to the same person for separate places of business, but separate applications shall be made for each location conducting business with Illinois residents ~~place of business~~.
(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/6) (from Ch. 17, par. 5306)

Sec. 6. Renewal of license. Each debt management service provider ~~licensee~~ under the provisions of this Act may make application to the Secretary ~~Director~~ for renewal of its license, which application for renewal shall be on the form prescribed by the Secretary ~~Director~~ and shall be accompanied by a fee of $100.00 together with a bond or other surety as required, in a minimum amount of $25,000 or such an amount as required by the Secretary ~~Director~~ based on the amount of disbursements made by the licensee in the previous year. The application must be received by the Department no later than December 1 of the year preceding the year for which the application applies.
(Source: P.A. 92-400, eff. 1-1-02.)

(205 ILCS 665/7) (from Ch. 17, par. 5307)

Sec. 7. License, display and location. Each license issued shall be kept conspicuously posted in the place of business of the debt management service provider ~~licensee~~. The business location may be changed by any licensee upon 10 days prior written notice to the Secretary ~~Director~~. A license must operate under the name as stated in its original application.
(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/8.5)

Sec. 8.5. Temporary location. The Secretary ~~Director~~ may approve a temporary additional business location for the purpose of allowing a debt management service provider ~~licensee~~ to conduct business outside the licensed location.
(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/9) (from Ch. 17, par. 5309)

Sec. 9. Denial of license. Any application for a license shall be approved or denied within 60 days of the filing of a completed ~~an~~ application with the Secretary ~~Director~~.
(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/10) (from Ch. 17, par. 5310)

Sec. 10. Revocation, ~~or~~ suspension , or refusal to renew ~~of~~ license.

(a) The Secretary ~~Director~~ may revoke or suspend or refuse to renew any license if he finds that:

(1) any licensee has failed to pay the annual license fee, or to maintain in effect the bond required under the provisions of this Act;

(2) the licensee has violated any provisions of this Act or any rule, lawfully made by the Secretary ~~Director~~ within the authority of this Act;

(3) any fact or condition exists which, if it had existed at the time of the original application for a license, would have warranted the Secretary ~~Director~~ in refusing its issuance; or

(4) any applicant has made any false statement or representation to the Secretary ~~Director~~ in applying for a license hereunder.

(b) In every case in which a license is suspended or revoked or an application for a license or renewal of a license is denied, the Secretary ~~Director~~ shall serve notice of his action, including a statement of the reasons for his actions, either personally or by certified mail, return receipt requested. Service by mail shall be deemed completed if the notice is deposited in the U.S. Mail.

(c) In the case of a denial of an application or renewal of a license, the applicant or licensee may request in writing, within 30 days after the date of service, a hearing. In the case of a denial of a renewal of a license, the license shall be deemed to continue in force until 30 days after the service of the notice of denial, or if a hearing is requested during that period, until a final administrative order is entered.

(d) An order of revocation or suspension of a license shall take effect upon service of the order unless the licensee requests, in writing, within 10 days after the date of service, a hearing. In the event a hearing is requested, the order shall be stayed until a final administrative order is entered.

(e) If the licensee requests a hearing, the Secretary ~~Director~~ shall schedule either a status date or a ~~the~~ hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

(f) The hearing shall be held at the time and place designated by the Secretary ~~Director~~. The Secretary ~~Director~~ and any administrative law judge designated by him have the power to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of books, papers, correspondence, and other records or information that he considers relevant or material to the injury.

(g) The costs for the administrative hearing shall be set by rule and shall be borne by the respondent.

~~(h) The Director shall have the authority to prescribe rules for the administration of this Section.~~

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/11) (from Ch. 17, par. 5311)

Sec. 11. Contracts, books, records and contract cancellation. Each debt management service provider ~~licensee~~ shall furnish to the Secretary ~~Director~~, when requested, a copy of the contract entered into between the debt management service provider ~~licensee~~ and the debtor. The debt management service provider ~~licensee~~ shall furnish the debtor with a copy of the written contract, at the time of execution, which shall set forth the charges, if any, agreed upon for the services of the debt management service provider ~~licensee~~.

Each debt management service provider ~~licensee~~ shall maintain records and accounts which will enable any debtor contracting with the debt management service provider ~~licensee~~, at any reasonable time, to ascertain the amounts paid to creditors of the debtor. A statement showing the total amount received and the total disbursements to each creditor shall be furnished by the debt management service provider ~~licensee~~ to any individual within seven days of a request therefor by the said debtor. Each debt management service provider ~~licensee~~ shall issue a receipt for each payment made by the debtor at a debt management service provider's ~~licensee's~~ office. Each debt management service provider ~~licensee~~ shall prepare and retain in the file of each debtor a written analysis of debtor's income and expenses to substantiate that the plan of payment is feasible and practical.

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/11.5)

Sec. 11.5. Examination of debt management service provider ~~licensee~~. The Secretary ~~Director~~ at any time, either in person or through an appointed representative, may examine the condition and affairs of a debt management service provider ~~licensee~~. In connection with any examination, the Secretary ~~Director~~ may examine on oath any debt management service provider ~~licensee~~ and any director, officer, employee, customer, manager, partner, member, creditor or stockholder of a licensee concerning the affairs and business of the debt management service provider ~~licensee~~. The Secretary ~~Director~~ shall ascertain whether the debt management service provider ~~licensee~~ transacts its business in the manner prescribed by law and the rules issued thereunder. The debt management service provider ~~licensee~~ shall pay the cost of the examination as determined by the Secretary ~~Director~~ by administrative rule. Failure to pay the examination fee within 30 days after receipt of demand from the Secretary ~~Director~~ may result in the suspension of the license until the fee is paid. The Secretary ~~Director~~ shall have the right to investigate and examine any

person, whether licensed or not, who is engaged in the debt management service business. The Secretary ~~Director~~ shall have the power to subpoena the production of any books and records pertinent to any investigation.

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/12) (from Ch. 17, par. 5312)

Sec. 12. Fees and charges of debt management service providers ~~licensees~~. A debt management service provider ~~licensee~~ may not charge a debtor any fees or penalties except the following:

(1) an initial counseling fee not to exceed $50 per debtor counseled~~, provided the average initial counseling fee does not exceed $30 per debtor for all debtors counseled~~; and

(2) additional fees at the completion of the initial counseling services which shall not exceed $50 per month~~, provided the average monthly fee does not exceed $30 per debtor for all debtors counseled~~.

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/12.1)

Sec. 12.1. All moneys received by the Department of Financial Institutions under this Act, except moneys received for the Debt Management Service Consumer Protection Fund, shall be deposited in the Financial Institutions Fund created under Section 6z-26 of the State Finance Act.

(Source: P.A. 88-13.)

(205 ILCS 665/13) (from Ch. 17, par. 5313)

Sec. 13. Prohibitions.

(1) No licensee shall advertise, in any manner whatsoever, any statement or representation with regard to the rates, terms or conditions of debt management service which is false, misleading, or deceptive.

(2) No licensee shall require as a part of the agreement between the licensee and any debtor, the purchase of any stock, insurance, commodity, service or other property or any interest therein.

(3) No licensee shall, directly or indirectly, accept payment or any other consideration, whether in cash or in kind, from any entity for referring applicants to that entity. The licensee shall not, directly or indirectly, make payments in any form, whether in cash or in kind, to any person, corporation, or other entity for referring applicants or clients to the licensee.

(4) No licensee shall make any loans.

(5) No licensee shall issue credit cards or act as an agent in procuring customers for a credit card company or any financial institution.

(6) No licensee shall act as a loan broker.

(7) No licensee shall operate any other business at the licensed location. ~~without another business authorization from the Director, pursuant to Section 13.5.~~

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/14) (from Ch. 17, par. 5314)

Sec. 14. Trust funds; requirements and restrictions.

(a) All funds received by a debt management service provider ~~licensee~~ or his agent from and for the purpose of paying bills, invoices, or accounts of a debtor shall constitute trust funds owned by and belonging to the debtor from whom they were received. All such funds received by a debt management service provider ~~licensee~~ shall be separated from the funds of the debt management service provider ~~licensee~~ not later than the end of the business day following receipt by the debt management service provider ~~licensee~~. All such funds shall be kept separate and apart at all times from funds belonging to the debt management service provider ~~licensee~~ or any of its officers, employees or agents and may be used for no purpose other than paying bills, invoices, or accounts of the debtor. All such trust funds received at the main or branch offices of a debt management service provider ~~licensee~~ shall be deposited in a bank in an account in the name of the debt management service provider ~~licensee~~ designated "trust account", or by some other appropriate name indicating that the funds are not the funds of the debt management service provider ~~licensee~~ or its officers, employees, or agents, on or before the close of the business day following receipt.

(b) If a consumer's funds are kept in an interest earning trust account, then any interest earned on the consumer funds shall belong to the consumer. If multiple consumers funds are kept in a single interest earning trust account, then the interest earned shall belong to the consumers and shall be deposited pro rata among the consumers whose funds are in the account. ~~Prior to separation and deposit by the licensee, such funds may be used by the licensee only for the making of change or the cashing of checks in the normal course of its business.~~ Such funds are not subject to attachment, lien, levy of execution, or sequestration by order of court except by a debtor for whom a licensee is acting as an agent in paying bills, invoices, or accounts.

(c) Each debt management service provider ~~licensee~~ shall make remittances within 30 days after initial receipt of funds, and thereafter remittances shall be made within 15 days of receipt, less fees and costs, unless the reasonable payment of one or more of the debtor's obligations requires that the funds be held for a longer period so as to accumulate a sum certain.

(d) At least once every quarter, the debt management service provider ~~licensee~~ shall render an accounting to the debtor which shall itemize the total amount received from the debtor, the total amount paid each creditor, the amount of charges deducted, and any amount held in reserve. A debt management service provider ~~licensee~~ shall, in addition thereto, provide such an accounting to a debtor within 7 days after written demand, but not more than 3 times per 6 month period.

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/15) (from Ch. 17, par. 5315)

Sec. 15. Rules.) The Secretary ~~Director~~ shall make and enforce all reasonable rules as shall be necessary for the administration of this Act. Such rulemaking shall be subject to the provisions of the Illinois Administrative Procedure Act.

(Source: P.A. 81-1403.)

(205 ILCS 665/16) (from Ch. 17, par. 5319)

Sec. 16. Penalties.

(a) Any person who engages in the business of debt management service without a license shall be guilty of a Class 4 felony.

(b) Any contract of debt management service as defined in this Act, made by an unlicensed person, shall be null and void and of no legal effect.

(c) The Secretary ~~Director~~ may , after 10 days notice by registered mail to the debt management service provider at the address on the license or unlicensed entity engaging in the debt management service business, stating the contemplated action and in general the grounds therefore, fine that debt management service provider or unlicensed entity an amount not exceeding $10,000 per violation, and revoke or suspend any license issued if he or she finds that either:

(1) the debt management service provider or unlicensed entity has failed to comply with any provision of this Act or any order, decision, finding, rule, regulation, or direction of the Secretary lawfully made pursuant to the authority of this Act; or

(2) any fact or condition exists which, if it had existed at the time of the original application for the license, clearly would have warranted the Secretary in refusing to issue the license. ~~set by rule monetary penalties for violation of this Act.~~

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/16.5 new)

Sec. 16.5. Sec. 16.5. Additional liability for unlicensed activity. Any person who, without the required license, engages in conduct requiring a license under this Act, shall be liable to the Department in an amount equal to the greater of (1) $1,000 or (2) an amount equal to 4 times the amount of consumer debt enrolled. The Department shall cause any funds so recovered to be deposited in the Debt Management Service Consumer Protection Fund.

(205 ILCS 665/16.6 new)

Sec. 16.6. Debt Management Service Consumer Protection Fund.

(a) A special non-appropriated income-earning fund is hereby created in the State treasury, known as the Debt Management Service Consumer Protection Fund. This Fund is not subject to appropriation by the Illinois General Assembly.

(b) All moneys paid into the Fund together with all accumulated, undistributed interest thereon shall be held as a special fund in the State treasury. All interest earned on the fund is non-distributable and shall be returned to the Fund, and shall be invested and re-invested in the Fund by the Treasurer or his or her designee. The Fund shall be used solely for the purpose of providing restitution to consumers who have suffered monetary loss arising out of a transaction regulated by this Act.

(c) The Fund shall be applied only to restitution when restitution has been ordered by the Secretary. Restitution shall not exceed the amount actually lost by the consumer. The Fund shall not be used for the payment of any attorney or other fees.

(d) The Fund shall be subrogated to the amount of the restitution, and the Secretary shall request the Attorney General to engage in all reasonable collection steps to collect restitution from the party responsible for the loss and reimburse the fund.

(e) Notwithstanding any other provision of this Section, the payment of restitution from the Fund shall be a matter of grace and not of right, and no consumer shall have any vested rights in the Fund as a beneficiary

or otherwise. Before seeking restitution from the Fund, the consumer or beneficiary seeking payment of restitution shall apply for restitution on a form provided by the Secretary. The form shall include any information the Secretary may reasonably require in order to determine that restitution is appropriate. All documentation required by the Secretary, including the form, is subject to audit. Distributions from the Fund shall be made solely at the discretion of the Secretary, except that no payments or distributions may be made under any circumstance if the Fund is depleted.

(f) All deposits to this Fund shall be made pursuant to Section 16.5 of this Act.

(g) Notwithstanding any other law to the contrary, the Fund is not subject to administrative charges or charge-backs that would in any way transfer moneys from the Fund into any other fund of the State.

(205 ILCS 665/17) (from Ch. 17, par. 5320)

Sec. 17. Injunction. To engage in debt management service, render financial service, or accept debtors' funds, as defined in this Act, without a valid license so to do, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Secretary ~~Director~~ may, in the name of the people of the State of Illinois, through the Attorney General of the State of Illinois, file a complaint for an injunction in the circuit court to enjoin such person, from engaging in said business. Such injunction proceeding shall be in addition to, and not in lieu of, penalties and remedies otherwise in this Act provided.

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/18) (from Ch. 17, par. 5321)

Sec. 18. Review. All final administrative decisions of the Secretary ~~Director~~ hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof and the rules adopted pursuant thereto.

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/20) (from Ch. 17, par. 5323)

Sec. 20. Cease and desist orders.

(a) The Secretary ~~Director~~ may issue a cease and desist order to any licensee, or other person doing business without the required license, when in the opinion of the Secretary ~~Director~~, the licensee, or other person, is violating or is about to violate any provision of the Act or any rule or condition imposed in writing by the Department.

(b) The Secretary ~~Director~~ may issue a cease and desist order prior to a hearing.

(c) The Secretary ~~Director~~ shall serve notice of his action, including a statement of the reasons for his action either personally or by certified mail, return receipt requested. Service by mail shall be deemed completed if the notice is deposited in the U.S. Mail.

(d) Within 10 days after service of the cease and desist order, the licensee or other person may request, in writing, a hearing.

(e) The Secretary ~~Director~~ shall schedule either a status date or a hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

~~(f) The Director shall have the authority to prescribe rules for the administration of this Section.~~

(g) If it is determined that the Secretary ~~Director~~ had the authority to issue the cease and desist order, he may issue such orders as may be reasonably necessary to correct, eliminate, or remedy such conduct.

(h) The powers vested in the Secretary ~~Director~~ by this Section are additional to any and all other powers and remedies vested in the Secretary ~~Director~~ by law, and nothing in this Section shall be construed as requiring that the Secretary ~~Director~~ shall employ the power conferred in this Section instead of or as a condition precedent to the exercise of any other power or remedy vested in the Secretary ~~Director~~.

(i) The cost for the administrative hearing shall be set by rule and shall be borne by the respondent.

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/20.5)

Sec. 20.5. Receivership.

(a) If the Secretary ~~Director~~ determines that a licensee is insolvent or is violating this Act, he or she may appoint a receiver. Under the direction of the Secretary ~~Director~~, the receiver shall, for the purpose of receivership, take possession of and title to the books, records, and assets of the licensee. The Secretary ~~Director~~ may require the receiver to provide security in an amount the Secretary ~~Director~~ deems proper. Upon appointment of the receiver, the Secretary ~~Director~~ shall have published, once each week for 4 consecutive weeks in a newspaper having a general circulation in the community, a notice informing all persons who have claims against the licensee to present them to the receiver. Within 10 days after the receiver takes possession, the licensee may apply to the Circuit Court of Sangamon County to enjoin further proceedings. The receiver may operate the business until the Secretary ~~Director~~ determines that possession should be restored to the licensee or that the business should be liquidated.

(b) If the Secretary ~~Director~~ determines that a business in receivership should be liquidated, he or she shall direct the Attorney General to file a complaint in the Circuit Court of the county in which the business is located, in the name of the People of the State of Illinois, for the orderly liquidation and dissolution of the business and for an injunction restraining the licensee and its officers and directors from continuing the operation of the business. Within 30 days after the day the Secretary ~~Director~~ determines that the business should be liquidated, the receiver shall file with the Secretary ~~Director~~ and with the clerk of the court that has charge of the liquidation a correct list of all creditors, as shown by the licensee's books and records, who have not presented their claims. The list shall state the amount of the claim after allowing all just credits, deductions, and set-offs as shown by the licensee's books. These claims shall be deemed proven unless some interested party files an objection within the time fixed by the Secretary ~~Director~~ or court that has charge of the liquidation.

(c) The General Assembly finds and declares that debt management services provide an important service ~~and vital services~~ to Illinois citizens. It is therefore declared to be the policy of this State that customers who receive these services must be protected from interruptions of services. To carry out this policy and to insure that customers of a licensee are protected if it is determined that a business in receivership should be liquidated, the Secretary ~~Director~~ shall make a distribution of moneys collected by the receiver in the following order of priority:

(1) Allowed claims for the actual necessary expenses of the receivership of the business being liquidated, including:

(A) reasonable receiver's fees and receiver's attorney's fees approved by the Secretary ~~Director~~;

(B) all expenses of any preliminary or other examinations into the condition of the receivership;

(C) all expenses incurred by the Secretary ~~Director~~ that are incident to possession and control of any property or records of the licensee's business; and

(D) reasonable expenses incurred by the Secretary ~~Director~~ as the result of business agreements or contractual arrangements necessary to insure that the services of the licensee are delivered to the community without interruption. These business agreements or contractual arrangements may include, but are not limited to, agreements made by the Secretary ~~Director~~, or by the receiver with the approval of the Secretary ~~Director~~, with banks, bonding companies, and other types of financial institutions.

(1.5) Secured claims.

(2) Allowed unsecured claims for wages or salaries, excluding vacation, severance, and sick leave pay earned by employees within 90 days before the appointment of a receiver.

(3) Allowed unsecured claims of any tax, and interest and penalty on the tax.

(4) Allowed unsecured claims, other than a kind specified in items (1), (2), and (3) of this subsection, filed with the Secretary ~~Director~~ within the time the Secretary ~~Director~~ fixes for filing claims.

(5) Allowed unsecured claims, other than a kind specified in items (1), (2), and (3) of this subsection, filed with the Secretary ~~Director~~ after the time fixed for filing claims by the Secretary ~~Director~~.

(6) Allowed creditor claims asserted by an owner, member, or stockholder of the business in liquidation.

(7) After one year from the final dissolution of the licensee's business, all assets not used to satisfy allowed claims shall be distributed pro rata to the owner, owners, members, or stockholders of the business.

The Secretary ~~Director~~ shall pay all claims of equal priority according to the schedule established in this subsection and shall not pay claims of lower priority until all higher priority claims are satisfied. If insufficient assets are available to meet all claims of equal priority, those assets shall be distributed pro rata among those claims. All unclaimed assets of a licensee and the licensee's business shall be deposited with the Secretary ~~Director~~ to be paid out when proper claims are presented to the Secretary ~~Director~~.

(d) Upon the order of the circuit court of the county in which the business being liquidated is located, the receiver may sell or compound any bad or doubtful debt, and on like order may sell the personal property of the business on such terms as the court approves. The receiver shall succeed to whatever rights or remedies the unsecured creditors of the business may have against the owner or owners, operators, stockholders, directors, members, managers, or officers, arising out of their claims against the licensee's business, but nothing contained in this Section shall prevent those creditors from filing their claims in the liquidation proceeding. The receiver may enforce those rights or remedies in any court of competent jurisdiction.

(e) At the close of a receivership, the receiver shall turn over to the Secretary ~~Director~~ all books of account and ledgers of the business for preservation. The Secretary ~~Director~~ shall hold all records of receiverships received at any time for a period of 2 years after the close of the receivership. The records may be destroyed at the termination of the 2-year period. All expenses of the receivership including, but not limited to, reasonable receiver's and attorney's fees approved by the Secretary ~~Director~~, all expenses of any preliminary or other examinations into the condition of the licensee's business or the receivership, and all expenses incident to the possession and control of any property or records of the business incurred by the Secretary ~~Director~~ shall be paid out of the assets of the licensee's business. These expenses shall be paid before all other claims.

(f) Upon the filing of a complaint by the Attorney General for the orderly liquidation and dissolution of a debt management service provider's ~~licensee's~~ business, as provided in this Act, all pending suits and actions upon unsecured claims against the business shall abate. Nothing contained in this Act, however, prevents these claimants from filing their claims in the liquidation proceeding. If a suit or an action is instituted or maintained by the receiver on any bond or policy of insurance issued pursuant to the requirements of this Act, the bonding or insurance company sued shall not have the right to interpose or maintain any counterclaim based upon subrogation, upon any express or implied agreement of, or right to, indemnity or exoneration, or upon any other express or implied agreement with, or right against, the debt management service provider's ~~licensee's~~ business. Nothing contained in this Act prevents the bonding or insurance company from filing this type of claim in the liquidation proceeding.

(g) A debt management service provider's ~~licensee~~ may not terminate its affairs and close up its business unless it has first deposited with the Secretary ~~Director~~ an amount of money equal to all of its debts, liabilities, and lawful demands against it including the costs and expenses of a proceeding under this Section, surrendered to the Secretary ~~Director~~ its license, and filed with the Secretary ~~Director~~ a statement of termination signed by the debt management service provider's ~~licensee~~ containing a pronouncement of intent to close up its business and liquidate its liabilities and containing a sworn list itemizing in full all of its debts, liabilities, and lawful demands against it. Corporate licensees must attach to, and make a part of the statement of termination, a copy of a resolution providing for the termination and closing up of the licensee's affairs, certified by the secretary of the licensee and duly adopted at a shareholders' meeting by the holders of at least two-thirds of the outstanding shares entitled to vote at the meeting. Upon the filing with the Secretary ~~Director~~ of a statement of termination, the Secretary ~~Director~~ shall cause notice of that action to be published once each week for 3 consecutive weeks in a public newspaper of general circulation published in the city or village where the business is located, and if no newspaper is published in that place, then in a public newspaper of general circulation nearest to that city or village. The publication shall give notice that the debts, liabilities, and lawful demands against the business will be redeemed by the Secretary ~~Director~~ upon demand in writing made by the owner thereof, at any time within 3 years after the date of first publication. After the expiration of the 3-year period, the Secretary ~~Director~~ shall return to the person or persons designated in the statement of termination to receive repayment, and in the proportion specified in that statement, any balance of money remaining in his or her possession after first deducting all unpaid costs and expenses incurred in connection with a proceeding under this Section. The Secretary ~~Director~~ shall receive for his or her services, exclusive of costs and expenses, 2% of any amount up to $5,000 and 1% of any amount in excess of $5,000 deposited with him or her under this Section by any business. Nothing contained in this Section shall affect or impair the liability of any bonding or insurance company on any bond or insurance policy issued under this Act relating to the business.

(Source: P.A. 92-400, eff. 1-1-02.)

Section 910. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2III as follows:

(815 ILCS 505/2III new)

Sec. 2III. Violations of the Debt Settlement Consumer Protection Act. Any person who violates the Debt Settlement Consumer Protection Act commits an unlawful practice within the meaning of this Act.

(205 ILCS 665/13.5 rep.) (205 ILCS 665/15.1 rep.) (205 ILCS 665/15.2 rep.) (205 ILCS 665/15.3 rep.)

Section 915. The Debt Management Service Act is amended by repealing Sections 13.5, 15.1, 15.2, and 15.3.

Section 970. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999. Effective date. This Act takes effect upon becoming law.".

The foregoing motion prevailed and Amendment No. 3 was adopted.

There being no further amendments, the foregoing Amendments numbered 1 and 3 were ordered engrossed; and the bill, as amended, was held on the order of Second Reading.

HOUSE BILL 5424. Having been read by title a second time on March 23, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Jefferson offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 5424, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, as follows:

on page 2, immediately below line 26, by inserting the following:

"n. Indigent military veteran..... No Fee"; and

on page 5, immediately below line 19, by inserting the following:

"o. Indigent military veteran..... No Fee".

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 5381. Having been read by title a second time on March 22, 2010, 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. 1. Amend House Bill 5381 by replacing everything after the enacting clause with the following:

"Section 5. The Clerks of Courts Act is amended by adding Section 12.1 as follows:

(705 ILCS 105/12.1 new)

Sec. 12.1. Electronic notice. The circuit clerk may provide notice to a party by hard copy or by electronic notice, pursuant to a uniform and standard policy adopted by the circuit clerk. A recipient may elect to receive notices by hard copy or electronically via the electronic address he or she has registered with the circuit clerk. The clerk must provide notice in the format chosen by the recipient. When providing notice electronically, the circuit clerk shall maintain a copy of the electronic content and a delivery receipt as part of the records of his or her office. Administrative communications of either the clerk or the court are not subject to the electronic notice requirements. If all policies and statutes are complied with, electronic notices shall have the same effect as hard copy notices.

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

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

**RECALL**

At the request of the principal sponsor, Representative Reboletti, HOUSE BILL 5381 was recalled from the order of Third Reading to the order of Second Reading.

## HOUSE BILLS ON SECOND READING

HOUSE BILL 5517. 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 House Bill 5517 by replacing everything after the enacting clause with the following:

"Section 5. The Pharmacy Practice Act is amended by changing Section 25 as follows:

(225 ILCS 85/25) (from Ch. 111, par. 4145)

(Section scheduled to be repealed on January 1, 2018)

Sec. 25. No person shall compound, or sell or offer for sale, or cause to be compounded, sold or offered for sale any medicine or preparation under or by a name recognized in the United States Pharmacopoeia National Formulary, for internal or external use, which differs from the standard of strength, quality or purity as determined by the test laid down in the United States Pharmacopoeia National Formulary official at the time of such compounding, sale or offering for sale. Nor shall any person compound, sell or offer for sale, or cause to be compounded, sold, or offered for sale, any drug, medicine, poison, chemical or pharmaceutical preparation, the strength or purity of which shall fall below the professed standard of strength or purity under which it is sold. Except as set forth in Section 26 of this Act, if the physician or other authorized prescriber, when transmitting an oral or written prescription, does not prohibit drug product selection, a different brand name or nonbrand name drug product of the same generic name may be dispensed by the pharmacist, provided that the selected drug has a unit price less than the drug product specified in the prescription. A generic drug determined to be therapeutically equivalent by the United States Food and Drug Administration (FDA) shall be available for substitution in Illinois in accordance with this Act and the Illinois Food, Drug and Cosmetic Act, provided that each manufacturer submits to the Director of the Department of Public Health a notification containing product technical bioequivalence information as a prerequisite to product substitution when they have completed all required testing to support FDA product approval and, in any event, the information shall be submitted no later than 60 days prior to product substitution in the State. On the prescription forms of prescribers, shall be placed a signature line and the words "may not substitute". The prescriber, in his or her own handwriting, shall place a mark beside "may not substitute" to direct the pharmacist in the dispensing of the prescription. Preprinted or rubber stamped marks, or other deviations from the above prescription format shall not be permitted. The prescriber shall sign the form in his or her own handwriting to authorize the issuance of the prescription.

If the physician or other authorized prescriber prescribes a specific generic drug, then the pharmacist may not dispense a generic drug with a different active pharmaceutical ingredient. If the pharmacist receives verbal approval from the patient, then the pharmacist may dispense another generic drug with the same active pharmaceutical ingredient as the specific generic drug prescribed. If the original physician or other authorized prescriber changes a patient's prescription to a generic drug other than the specific drug that was originally prescribed by that physician or authorized prescriber, then the pharmacist must verbally notify the patient or customer of this change at the time of dispensing that drug and advise the patient or customer of his or her right to refuse the change.

In every case in which a selection is made as permitted by the Illinois Food, Drug and Cosmetic Act, the pharmacist shall indicate on the pharmacy record of the filled prescription the name or other identification of the manufacturer of the drug which has been dispensed.

The selection of any drug product by a pharmacist shall not constitute evidence of negligence if the selected nonlegend drug product was of the same dosage form and each of its active ingredients did not vary by more than 1 percent from the active ingredients of the prescribed, brand name, nonlegend drug product. Failure of a prescribing physician to specify that drug product selection is prohibited does not constitute evidence of negligence unless that practitioner has reasonable cause to believe that the health condition of the patient for whom the physician is prescribing warrants the use of the brand name drug product and not another.

The Department is authorized to employ an analyst or chemist of recognized or approved standing whose duty it shall be to examine into any claimed adulteration, illegal substitution, improper selection, alteration, or other violation hereof, and report the result of his investigation, and if such report justify such action the Department shall cause the offender to be prosecuted.

(Source: P.A. 94-936, eff. 6-26-06; 95-689, eff. 10-29-07.)

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

Representative Mulligan offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 5517, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Pharmacy Practice Act is amended by changing Section 25 as follows:

(225 ILCS 85/25) (from Ch. 111, par. 4145)

(Section scheduled to be repealed on January 1, 2018)

Sec. 25. No person shall compound, or sell or offer for sale, or cause to be compounded, sold or offered for sale any medicine or preparation under or by a name recognized in the United States Pharmacopoeia National Formulary, for internal or external use, which differs from the standard of strength, quality or purity as determined by the test laid down in the United States Pharmacopoeia National Formulary official at the time of such compounding, sale or offering for sale. Nor shall any person compound, sell or offer for sale, or cause to be compounded, sold, or offered for sale, any drug, medicine, poison, chemical or pharmaceutical preparation, the strength or purity of which shall fall below the professed standard of strength or purity under which it is sold. Except as set forth in Section 26 of this Act, if the physician or other authorized prescriber, when transmitting an oral or written prescription, does not prohibit drug product selection, a different brand name or nonbrand name drug product of the same generic name may be dispensed by the pharmacist, provided that the selected drug has a unit price less than the drug product specified in the prescription. A generic drug determined to be therapeutically equivalent by the United States Food and Drug Administration (FDA) shall be available for substitution in Illinois in accordance with this Act and the Illinois Food, Drug and Cosmetic Act, provided that each manufacturer submits to the Director of the Department of Public Health a notification containing product technical bioequivalence information as a prerequisite to product substitution when they have completed all required testing to support FDA product approval and, in any event, the information shall be submitted no later than 60 days prior to product substitution in the State. On the prescription forms of prescribers, shall be placed a signature line and the words "may not substitute". The prescriber, in his or her own handwriting, shall place a mark beside "may not substitute" to direct the pharmacist in the dispensing of the prescription. Preprinted or rubber stamped marks, or other deviations from the above prescription format shall not be permitted. The prescriber shall sign the form in his or her own handwriting to authorize the issuance of the prescription.

If a physician or other authorized prescriber prescribes a drug and the pharmacy dispenses a generic, then it shall be the policy of every pharmacy operating in this State to require the pharmacist to notify the patient, patient's designee, or customer when he or she is dispensing a generic drug with the same active pharmaceutical ingredient by a different manufacturer than most recently previously dispensed for the patient by that pharmacy. This amendatory Act of the 96th General Assembly shall not be construed to affect the dispensing of drugs when the prescriber has marked "may not substitute" on the prescription form.

In every case in which a selection is made as permitted by the Illinois Food, Drug and Cosmetic Act, the pharmacist shall indicate on the pharmacy record of the filled prescription the name or other identification of the manufacturer of the drug which has been dispensed.

The selection of any drug product by a pharmacist shall not constitute evidence of negligence if the selected nonlegend drug product was of the same dosage form and each of its active ingredients did not vary by more than 1 percent from the active ingredients of the prescribed, brand name, nonlegend drug product. Failure of a prescribing physician to specify that drug product selection is prohibited does not constitute evidence of negligence unless that practitioner has reasonable cause to believe that the health condition of the patient for whom the physician is prescribing warrants the use of the brand name drug product and not another.

The Department is authorized to employ an analyst or chemist of recognized or approved standing whose duty it shall be to examine into any claimed adulteration, illegal substitution, improper selection, alteration, or other violation hereof, and report the result of his investigation, and if such report justify such action the Department shall cause the offender to be prosecuted.

(Source: P.A. 94-936, eff. 6-26-06; 95-689, eff. 10-29-07.)

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

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 advanced to the order of Third Reading.

Having been recalled and held on second reading on March 23, 2010, the following bill was again taken up and held on the order of Second Reading: HOUSE BILL 5918.

HOUSE BILL 4663. Having been read by title a second time on March 10, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Bill Mitchell offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 4663 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by adding Section 11-15.1-6 as follows:

(65 ILCS 5/11-15.1-6 new)

Sec. 11-15.1-6. Annexation agreement; basic services. The failure of an annexation agreement entered into by an annexing municipality to specify the basic services that the annexing municipality shall provide to the annexed territory does not relieve the annexing municipality from providing those services.

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

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

## HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have 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 Riley, HOUSE BILL 5448 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; 3, Nays; 0, Answering Present.

(ROLL CALL 2)

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.

On motion of Representative Saviano, HOUSE BILL 5026 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 3)

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.

On motion of Representative Saviano, HOUSE BILL 5527 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 and ask their concurrence.

On motion of Representative Osterman, HOUSE BILL 354 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; 1, 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 and ask their concurrence.

On motion of Representative Sullivan, HOUSE BILL 5923 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 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 and ask their concurrence.

On motion of Representative Phelps, HOUSE BILL 5329 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:

96, Yeas; 19, 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 and ask their concurrence.

## HOUSE BILLS ON SECOND READING

Having been recalled and held on second reading on March 22, 2010, the following bill was taken up again and held on the order of Second Reading: HOUSE BILL 6241.

## HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have 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 Rita, HOUSE BILL 5513 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 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 and ask their concurrence.

On motion of Representative Yarbrough, HOUSE BILL 5791 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 9)

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.

On motion of Representative Yarbrough, HOUSE BILL 5525 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, Nay; 0, Answering Present.

(ROLL CALL 10)

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.

## HOUSE BILLS ON SECOND READING

HOUSE BILL 5918. Having been read by title a second time on March 24, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Golar offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 5918, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Good Samaritan Act is amended by adding Section 71 as follows:

(745 ILCS 49/71 new)

Sec. 71. Exemption from civil liability in emergencies requiring building evacuations. Any person who in good faith provides emergency care, without fee or compensation, to any person at the scene of an emergency that necessitates the evacuation of a building shall not, as a result of his or her acts or omissions, except willful and wanton misconduct on the part of the person in providing the emergency care, be liable to a person to whom such emergency care is provided for civil damages. This Section shall apply to causes of action accruing on or after the effective date of this amendatory Act of the 96th General Assembly.

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

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

## HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have 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 Osmond, HOUSE BILL 5571 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:

116, Yeas; 0, 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 and ask their concurrence.

On motion of Representative Wait, HOUSE BILL 5972 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:

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

(ROLL CALL 12)

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 SECOND READING

SENATE BILL 1578. Having been read by title a second time on March 22, 2010, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

## SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. 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 Madigan, SENATE BILL 1578 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:

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

(ROLL CALL 13)

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.

## 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 Fortner, HOUSE BILL 5555 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:

90, Yeas; 27, 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.

## HOUSE BILLS ON SECOND READING

HOUSE BILL 6113. Having been reproduced, was taken up and read by title a second time.

Representative Lyons offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 6113 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Foreclosed Home Receiver License Act.

Section 5. Purpose. The intent of the General Assembly in enacting this Act is to evaluate the competency of persons, including any entity, engaged in the foreclosed home receiver business and to regulate and license those persons engaged in this business for the protection of the public.

Section 10. Definitions. In this Act:

"Bank" means any person doing a banking business whether subject to the laws of this State or any other jurisdiction.

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

"Home" means real property that is used or intended to be used as the principal place of residence of one or more individuals.

"Foreclosed home receiver" means any person who acts as a receiver of a home foreclosed on by a bank or trust or any person to whom a receiver delegates managerial functions concerning a home foreclosed on by a bank or trust.

"Licensee" means a foreclosed home receiver licensed under this Act.

"Person" means an individual, corporation, limited liability company, partnership, joint venture, trust, estate, or unincorporated association.

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

"Trust" means any trust company or any other corporation qualified to act as a fiduciary in this State.

Section 15. Exemptions. A full or part-time employee of a bank or trust who acts as a receiver of homes foreclosed on by that bank or trust shall be exempt from licensure under this Act, but must comply with Section 23 of this Act.

Section 20. Unlicensed practice; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a foreclosed home receiver 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 $10,000 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) Any licensee under this Act who delegates managerial functions related to the foreclosed home to a person who is not 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 $10,000 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.

(c) The Department has the authority and power to investigate any and all unlicensed activities.

(d) The civil penalty imposed under this Section must 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.

Section 23. Personal property requirements; public posting.

(a) If a foreclosed home receiver takes possession of a foreclosed home, then the foreclosed home receiver shall hold onto and preserve all remaining personal property of the mortgagor or former occupant for at least 30 days or until the mortgagor or occupant releases his or her claim to his or her property in writing, whichever is sooner. The Department may by rule afford exceptions to the requirements of this subsection (a) for perishable items, such as food, or other items that the Department determines may pose a health risk to the public or may risk damage to other personal property or the home itself.

(b) The foreclosed home receiver may keep the remaining personal property in the home or store the personal property at another location which shall be reasonably accessible to the public. A mortgagor or former occupant may reclaim his or her personal property free of charge at this location.

(c) Upon possession of the foreclosed home, the foreclosed home receiver shall make a public posting at the entrance of the home that notifies the mortgagor or any occupant of the following:

(1) The contact information of the receiver, including phone number and address.

(2) The full name of the specific individual who is responsible for preserving his or her personal property and the location at which the personal property is stored and may be reclaimed by the mortgagor or occupant, free of charge.

(3) The phone number of the Consumer Fraud Hotline of the Illinois Attorney General.

The public posting shall include the following language in 12-point boldface capitalized type:

THIS HOME HAS BEEN FORECLOSED.

THE PERSONAL PROPERTY WITHIN THE HOME MAY BE REDEEMED WITHIN 30 DAYS OF THIS POSTING.

DO NOT ENTER THIS HOME - VIOLATORS ARE SUBJECT TO ARREST FOR CRIMINAL TRESPASS.

ARRANGEMENTS TO REDEEM THE PERSONAL PROPERTY INSIDE THE HOME MAY BE MADE BY CONTACTING:

The requirements of this subsection (c) are in addition to any other provision of State law related to the public posting of information that applies to a foreclosed home receiver.

Section 25. Powers and duties of the Department.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing Acts and shall exercise the powers and duties vested in it by this Act.

(b) The Department shall adopt rules necessary for the administration and enforcement of this Act, including rules concerning the standards and criteria for licensure, payment of applicable fees, and hearings.

(c) The Department must prescribe forms required for the administration of this Act.

Section 35. Licensure requirements.

(a) Every person applying to the Department for licensure must do so in writing on forms prescribed by the Department and pay the required nonrefundable fee. The application shall include without limitation all of the following information:

(1) The name, principal place of business, address, and telephone number of the applicant.

(2) Verification satisfactory to the Department that the applicant is at least 18 years of age.

(3) Verification satisfactory to the Department that the applicant does not have a criminal record.

(b) The Department may establish further requirements for registration by rule.

Section 40. Current address. Every licensee under this Act must maintain a current address with the Department. It shall be the responsibility of the licensee to notify the Department in writing of any change of address.

Section 45. Renewal; restoration; military service.

(a) The expiration date and renewal period for each license issued under this Act shall be set by the Department by rule.

(b) Any person who has permitted his or her license to expire may have his or her license restored by applying to the Department, filing proof acceptable to the Department of his or her fitness to have the license restored, which may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department, and paying the required restoration fee. If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, then the Department shall determine, by an evaluation program established by rule, the person's fitness to resume active status and may require the successful completion of an examination.

(c) Any person whose license has expired while he or she has been engaged (i) in federal service on active duty with the Armed Forces of the United States or the State Militia called into service or training or (ii) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license renewed or restored without paying any lapsed renewal fees if, within 2 years after termination of service, training, or education, other than by dishonorable discharge, he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that the service, training, or education has been so terminated.

Section 50. Inactive status.

(a) Any person who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on inactive status and shall be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

(b) Any person whose license has been expired for more than 3 years may have his or her certificate restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including evidence certifying to active practice in another jurisdiction, and by paying the required restoration fee.

(c) Any licensee whose license is on inactive status, has been suspended or revoked, or has expired may not represent himself or herself to be a licensed foreclosed home receiver or use the title "licensed foreclosed home receiver".

Section 55. Fees; disposition of funds.

(a) The Department shall establish by rule a schedule of fees for the administration and maintenance of this Act. Such fees shall be nonrefundable.

(b) All fees and fines collected pursuant to this Act shall be deposited in the General Professions Dedicated Fund. All moneys deposited into the Fund may be used for the expenses of the Department in the administration of this Act.

Section 60. Roster. The Department shall maintain a roster of the names and addresses of all licensees

under this Act. This roster shall be made available upon written request and payment of the required fee.

Section 65. Advertising. Any person licensed under this Act may advertise the availability of professional services in the public media or on the premises where such professional services are rendered, provided that such advertising is truthful and not misleading.

Section 70. Injunction; criminal penalty; cease and desist order.

(a) If any person violates the provisions of this Act, the Secretary may, in the name of the People of the State of Illinois and through the Attorney General or the State's Attorney of any county in which the action is brought, petition for an order enjoining such violation and for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation. If it is established that such person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person holds himself or herself out as a "licensed foreclosed home receiver" without being licensed under the provisions of this Act, then any interested party or person injured thereby may, in addition to the Secretary, petition for relief as provided in subsection (a) of this Section.

(c) Whoever holds himself or herself out as a "licensed foreclosed home receiver" in this State without being licensed for that purpose is guilty of a Class A misdemeanor, and for each subsequent conviction, is guilty of a Class 4 felony.

(d) Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow the person at least 7 days after the date of the rule to file an answer that is satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

Section 75. Disciplinary grounds.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department considers appropriate, including the issuance of fines not to exceed $10,000 for each violation, with regard to any license for any one or more of the following causes:

(1) Violation of this Act or any rule adopted under this Act.

(2) Conviction of any crime under the laws of any U.S. jurisdiction that is a felony or a misdemeanor an essential element of which is dishonesty or that directly relates to the practice of the profession.

(3) Making any misrepresentation for the purpose of obtaining a license.

(4) Professional incompetence or gross negligence in the practice of building contracting.

(5) Gross malpractice, prima facie evidence of which may be a conviction or judgment of malpractice in any court of competent jurisdiction.

(6) Aiding or assisting another person in violating any provision of this Act or any rule adopted under this Act.

(7) Failing, within 60 days, to provide information in response to a written request made by the Department that has been sent by certified mail to the licensee's last known address.

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

(9) Habitual or excessive use of or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.

(10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

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

(12) A finding by the Department that a licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(13) Conviction by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of building contracting if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the

public trust.

(14) A finding that registration has been applied for or obtained by fraudulent means.

(15) Practicing, attempting to practice, or advertising under a name other than the full name as shown on the license or any other legally authorized name.

(16) Gross and willful overcharging for professional services, including filing false statements for collection of fees or moneys for which services are not rendered.

(17) Failure 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 Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

(18) Failure to continue to meet the requirements of this Act.

(19) Material misstatement in furnishing information to the Department or to any other State agency.

(20) Advertising in any manner that is false, misleading, or deceptive.

(b) In enforcing this Section, the Department, upon a showing of a possible violation, may order a licensee or applicant to submit to a mental or physical examination, or both, at the expense of the Department. The Department may order the examining physician to present testimony concerning his or her 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 Department. The licensee or applicant may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of a licensee or applicant to submit to any such examination when directed, without reasonable cause as defined by rule, shall be grounds for either the immediate suspension of his or her license or immediate denial of his or her application.

If the Secretary immediately suspends the license of a licensee for his or her failure to submit to a mental or physical examination when directed, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay.

If the Secretary otherwise suspends a license pursuant to the results of the licensee's mental or physical examination, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the licensee's record of treatment and counseling regarding the relevant impairment or impairments to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

Any licensee suspended under this subsection (b) shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license.

(c) The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with subdivision (a)(5) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

(d) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision (a)(5) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

Section 80. Investigation; notice of hearing. The Department may investigate the actions or qualifications of any applicant or person holding or claiming to hold a license. The Department shall, before suspending or revoking, placing on probation, reprimanding, or taking any other disciplinary action under Section 75 of this Act, at least 30 days before the date set for the hearing, notify the applicant or licensee in writing of the nature of the charges and that a hearing will be held on the date designated. The written notice may be served by personal delivery or certified mail to the applicant or licensee at the address of his or her last notification to the Department. The Department shall direct the applicant or licensee to file a written answer with the Department, under oath, within 20 days after the service of the

notice, and inform the person that if he or she fails to file an answer, his or her certificate may be revoked, suspended, placed on probation, reprimanded, or the Department may take any other additional disciplinary action, including the issuance of fines not to exceed $1,000 for each violation, as the Department may consider necessary, without a hearing. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel. All parties shall be afforded an opportunity to present any statements, testimony, evidence, and arguments as may be pertinent to the charges or to their defense. The Department may continue the hearing from time to time.

Section 120. Restoration of suspended or revoked license. At any time after the suspension or revocation of any license, the Department may restore it to the licensee, unless after an investigation and hearing, the Department determines that restoration is not in the public interest.

Section 125. Surrender of license. Upon the revocation or suspension of any license, the licensee shall immediately surrender his or her certificate to the Department. If the licensee fails to do so, the Department has the right to seize the certificate.

Section 130. Summary suspension of a license. The Secretary may summarily suspend a license issued under this Act without a hearing, simultaneously with the institution of proceedings for a hearing provided for in this Act, if the Secretary finds that evidence in the possession of the Secretary indicates that the continuation in practice by the licensee would constitute an imminent danger to the public. In the event that the Secretary temporarily suspends the license of an individual without a hearing, a hearing must be held within 30 days after such suspension has occurred.

Section 135. Administrative Review Law; venue.

(a) All final administrative decisions of the Department 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.

(b) 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 Sangamon County.

Section 140. Certification of record; costs. The Department shall not be required to certify any record to the court or file an answer in court or to 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 acknowledging payment of the costs of furnishing and certifying the record. Failure on the part of the plaintiff to file such receipt in court shall be grounds for dismissal of the action.

Section 145. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the certificate is specifically excluded. For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

Section 150. Home rule. A unit of local government, including a home rule unit, may not regulate the practice of foreclosed home receivers in a manner inconsistent with this Act. This Section 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 900. The Regulatory Sunset Act is amended by renumbering and changing Section 8.31 as follows:

(5 ILCS 80/4.31)

Sec. 4.31 ~~8.31~~. Acts repealed on January 1, 2021. The following Acts are repealed on January 1, 2021:

The Crematory Regulation Act.

The Cemetery Oversight Act.

The Foreclosed Home Receiver License Act.

(Source: P.A. 96-863, eff. 3-1-10; revised 1-24-10.)

Section 920. The Code of Civil Procedure is amended by changing Section 15-1702 as follows:

(735 ILCS 5/15-1702) (from Ch. 110, par. 15-1702)

Sec. 15-1702. Specific Rules of Possession. (a) Mortgagee's Rights. No mortgagee shall be required to take possession of the mortgaged real estate, whether upon application made by any other party or otherwise. Whenever a mortgagee entitled to possession so requests, the court shall appoint a receiver. The failure of a mortgagee to request possession or appointment of a receiver shall not preclude a mortgagee otherwise entitled to possession from making such a request at any future time. The appointment of a

receiver shall not preclude a mortgagee from thereafter seeking to exercise such mortgagee's right to be placed in possession.

(b) Designation of Receivers. Whenever a receiver is to be appointed, the mortgagee shall be entitled to designate the receiver. If the mortgagee is a bank or trust, then the mortgagee may only designate a foreclosed home receiver that is licensed under the Foreclosed Home Receiver License Act. If the mortgagor or any other party to the foreclosure objects to any such designation or designations and shows good cause, or the court disapproves the designee, then the mortgagee in such instance shall be entitled to make another designation.

(c) Rights of Mortgagee Having Priority. If a mortgagee having priority objects to the proposed possession by a subordinate mortgagee or by a receiver designated by the subordinate mortgagee, upon entry of a finding in accordance with subsection (d) of Section 15-1702 the court shall instead place that objecting mortgagee in possession or, if a receiver is to be designated in accordance with subsection (b) of Section 15-1702, allow the designation of the receiver to be made by that objecting mortgagee.

(d) Removal of Mortgagee in Possession. A mortgagee placed in possession shall not be removed from possession, and no receiver or other mortgagee shall be placed in possession except upon (i) the mortgagee's misconduct, death, legal disability or other inability to act, (ii) appointment of a receiver in accordance with subsection (a) of Section 15-1704 or (iii) a showing of good cause by a mortgagee having priority. A receiver shall not be removed solely on account of being designated by a mortgagee later determined not to have priority.

(e) Determination of Priority. If the court is required to determine priority for the purposes of subsection (c) of Section 15-1702, a new determination shall be made each time a mortgagee is to be placed in possession or a receiver is to be appointed and shall be an interim determination which shall not preclude the court from making a contrary determination later in the foreclosure. If the court subsequently shall make such a contrary determination, a mortgagee in possession or acting receiver shall not be removed except in accordance with Part 17 of this Article.

(f) Rights to Crops. With respect to any crops growing or to be grown on the mortgaged real estate, the rights of a holder of any obligation secured by a collateral assignment of beneficial interest in a land trust, the rights of a mortgagee in possession, or the rights of a receiver, including rights by virtue of an equitable lien, shall be subject to a security interest properly perfected pursuant to Article 9 of the Uniform Commercial Code, where the holder of a collateral assignment, mortgagee in possession, or receiver becomes entitled to crops by obtaining possession on or after the effective date of this Amendatory Act of 1988.

(Source: P.A. 85-1427.)

Section 999. Effective date. This Act takes effect upon becoming law.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 6412. Having been reproduced, was taken up and read by title a second time.

Representative Lyons offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 6412 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Financial Services Development Act is amended by changing Sections 3 and 8 and by adding Section 8.5 as follows:

(205 ILCS 675/3) (from Ch. 17, par. 7003)

Sec. 3. As used in this Section:

(a) "Financial institution" means any bank with its main office or, after May 31, 1997, a branch in this State, any state or federal savings and loan association or savings bank with its main office or branch in this State, any state or federal credit union with its main office in this State, and any lender licensed under the Consumer Installment Loan Act or the Sales Finance Agency Act.

(b) "Revolving credit plan" or "plan" means a plan contemplating the extension of credit under an account governed by an agreement between a financial institution and a borrower who is a natural person pursuant to which:

(1) The financial institution permits the borrower and, if the agreement governing the plan so provides, persons acting on behalf of or with authorization from the borrower, from time to time to make purchases and to obtain loans by any means whatsoever, including use of a credit device primarily for personal, family or household purposes;

(2) the amounts of such purchases and loans are charged to the borrower's account under the revolving credit plan;

(3) the borrower is required to pay the financial institution the amounts of all purchases and loans charged to such borrower's account under the plan but has the privilege of paying such amounts outstanding from time to time in full or installments; and

(4) interest may be charged and collected by the financial institution from time to time on the outstanding unpaid indebtedness under such plan.

(c) "Credit device" means any card, check, identification code or other means of identification contemplated by the agreement governing the plan.

(d) "Outstanding unpaid indebtedness" means on any day an amount not in excess of the total amount of purchases and loans charged to the borrower's account under the plan which is outstanding and unpaid at the end of the day, after adding the aggregate amount of any new purchases and loans charged to the account as of that day and deducting the aggregate amount of any payments and credits applied to that indebtedness as of that day and, if the agreement governing the plan so provides, may include the amount of any billed and unpaid interest and other charges.

(e) "Credit card" means any instrument or device, whether known as a credit card, credit device, credit plate, charge plate, or any other name, issued with or without fee by an issuer for the use of the borrower in obtaining money, goods, services, or anything else of value on credit, but does not include any negotiable instrument as defined in the Uniform Commercial Code, as now or hereafter amended, or a debit card that may indirectly access an overdraft line of credit through a debit to a deposit account.

(f) "Credit card account" means a revolving credit plan accessed by a credit card.

(Source: P.A. 89-208, eff. 9-29-95.)

(205 ILCS 675/8) (from Ch. 17, par. 7008)

Sec. 8. Amendment of ~~governing~~ agreement governing revolving credit plans other than credit card accounts.

(a) If the agreement governing a revolving credit plan other than a credit card account so provides or allows, a financial institution may at any time or from time to time amend the terms of such agreement in accordance with the further provisions of this Section 8. The financial institution shall notify each affected borrower of the amendment in the manner set forth in the agreement governing the plan and in compliance with the requirements of the Truth-in-Lending Act and regulations promulgated thereunder, as in effect from time to time, if applicable.

(b) Subject to subsection (c) below, if the terms of the agreement governing the plan, as originally drawn or as amended pursuant to this Section so provide, any amendment may, on and after the date upon which it becomes effective as to a particular borrower, apply to all then outstanding unpaid indebtedness in the borrower's account under the plan, including any such indebtedness which shall have arisen out of purchases made or loans obtained prior to the effective date of the amendment.

(c) If such amendment has the effect of increasing the interest or other charges to be paid by the borrower, the financial institution shall mail or deliver to the borrower, at least 30 days before the effective date of the amendment, a clear and conspicuous written notice which shall:

(1) describe the amendment and the existing term or terms of the agreement affected by the amendment,

(2) set forth the effective date of the amendment,

(3) state whether or not the amendment will apply to the outstanding unpaid indebtedness as of the effective date of the amendment,

(4) state that absent the borrower's written notice to the financial institution within 30 days of the earlier of the mailing or delivery of the notice of amendment that the borrower does not agree to accept the amendment, the amendment will become effective and apply to the borrower's account, and

(5) provide an address to which the borrower may send notice of the borrower's election not to accept the amendment and include an addressed postcard that the borrower may return to the financial institution for that purpose.

(c-5) If such amendment results in an unfavorable change in the interest or other charges on a revolving credit plan which: (i) relates to a change in the borrower's credit standing, (ii) does not affect all or a

substantial portion of a class of the creditor's accounts, and (iii) does not relate to inactivity, default, or delinquency on that revolving credit plan, the financial institution shall include in the notice required by subsection (c) of this Section 8 a statement that is substantially similar to the following:

Change in Credit Standing

The amendment to the terms of your account relates to a change in your credit standing. The change in your credit standing may have resulted from a default or delinquency on other accounts you may have, or other adverse changes in your financial circumstances. If you submit the enclosed postcard or otherwise notify us in a timely manner as provided in this notice that you do not accept the amendment, you will be able to pay off your existing balance at the rate in effect prior to the amendment. However, in that instance, you may not be eligible to obtain additional credit under this plan after the effective date of the amendment. If you do not provide timely notice to us as provided in this notice that you do not accept the amendment, the amendment to the terms of your account will become effective and apply to your account.

(c-10) As a condition to the effectiveness of the borrower's notice not to accept the amendment, the financial institution may require the borrower to return all credit devices.

Any borrower who gives a timely notice electing not to accept the amendment shall be permitted to pay the outstanding unpaid indebtedness in the borrower's account under the plan in accordance with the terms of the agreement governing the plan without giving effect to the amendment.

Notwithstanding the financial institution's receipt of the borrower's notice under item (4) of subsection (c) that the borrower does not accept the amendment, the amendment shall be deemed to have been accepted and effective with respect to the borrower and the borrower's account if the borrower uses the credit device to obtain credit under the credit plan on or after the effective date of the amendment, and the amendment shall be deemed effective as of the effective date originally disclosed by the financial institution.

(d) For purposes of this Section, the following shall not be deemed an amendment which has the effect of increasing the interest to be paid by the borrower:

(1) a decrease in the required amount of periodic installment payments; and

(2) a change from a daily periodic rate to a periodic rate other than daily, or from a periodic rate other than daily to a daily periodic rate, provided that there is no resulting change in the annual percentage rate as determined in accordance with the Truth-in-Lending Act and regulations promulgated thereunder, as in effect from time to time.

(Source: P.A. 93-287, eff. 1-1-04.)

(205 ILCS 675/8.5 new)

Sec. 8.5. Amendment of agreement governing credit card accounts.

(a) Amendment of terms. If the agreement governing a credit card account so provides or allows, then a financial institution may at any time or from time to time amend the terms of such agreement in accordance with the further provisions of this Section. The financial institution shall notify each affected borrower of the amendment in the manner set forth in the agreement governing the credit card account and in compliance with the requirements of the Truth-in-Lending Act and regulations promulgated thereunder, as in effect from time to time, if applicable. The provisions of Section 8 of this Act shall not apply to the amendment of the terms of the agreement governing the credit card account.

(b) Interest rate increase limited to future transactions. An agreement governing a credit card account may be amended to increase the interest rate on future transactions which may take effect not less than 45 days after notice of the rate increase is provided to the borrower. The interest rate may only be applied to transactions that occur more than 14 days after provision of the notice to the borrower. The notice to the borrower shall disclose the interest rate applicable to new transactions, the date the interest rate will commence, the transactions subject to the increased interest rate, and the transactions subject to the current interest rate. A financial institution may not increase the interest rate under this subsection during the first year after the credit card account is opened.

(c) Advance notice and right to reject an increase in fees or charges. An agreement governing a credit card account may be amended to increase fees or charges on or after an effective date that is at least 45 days after provision of a notice to the borrower, provided a financial institution may not increase fees or charges on a credit card account during the first year after the credit card account is opened. The notice to the borrower shall:

(1) describe the change in terms contained in the amendment;

(2) set forth the effective date of the amendment;

(3) state that the borrower may reject the amendment prior to the effective date of the amendment;

(4) provide an address to which the borrower may send notice of the borrower's election not to accept the amendment and include an addressed postcard that the borrower may return to the financial institution for that purpose, or provide a toll-free telephone number the borrower may use to notify the financial institution of the borrower's rejection of the amendment; and

(5) if applicable, a statement that if the borrower rejects the amendment, then the borrower's ability to use the account for further advances will be terminated or suspended.

(d) Interest rate increase applicable to current balances. A financial institution may not increase the interest rate on the outstanding unpaid indebtedness under a credit card agreement, except as permitted in the following:

(1) Temporary rate exception. A financial institution may increase a promotional interest rate upon the expiration of a specified period of time of at least 6 months, provided that prior to the commencement of that period, the financial institution has disclosed to the borrower the length of the period and the increased interest rate that would apply after the expiration of the period.

(2) Variable rate exception. A financial institution may increase the interest rate of a variable rate credit card account, established in accordance with the provisions of Section 5 of this Act, resulting from increases in an index that is not under the financial institution's control and is available to the general public.

(3) Workout and temporary hardship exception. If an interest rate is reduced pursuant to a workout or temporary hardship arrangement, then the interest rate may be increased to the interest rate in effect prior to the reduction due to completion of the workout or temporary hardship arrangement by the borrower or the failure of the borrower to comply with the terms of the workout or temporary hardship arrangement, provided the financial institution has furnished the borrower with a clear and conspicuous disclosure of the terms of the arrangement prior to commencement of the arrangement.

(4) Delinquency exception. A financial institution may increase the interest rate if the borrower's required minimum payment has not been received by the financial institution within 60 days after the due date for the payment, provided that after the minimum payment is 60 days delinquent a notice is furnished to the borrower 45 days prior to the effective date of the increase stating the reason for the increase and that the increase will terminate not later than 6 months after the effective date of the increase if the financial institution receives the required minimum payments on time during that 6 month period.

(5) Servicemember's Civil Relief Act exception. If an interest rate is decreased due to the provisions of 50 U.S.C. App. 527 of the Servicemembers Civil Relief Act, then the financial institution may increase the interest rate once those provisions no longer apply, provided the financial institution may not apply to any transactions that occurred prior to the decrease an interest rate greater than the interest rate applied prior to the decrease.

(e) Universal default prohibited. A financial institution may not impose an unfavorable change in the interest or other charges on a credit card account which: (i) relates to a change in the borrower's credit standing, (ii) does not affect all or a substantial portion of a class of the creditor's accounts, and (iii) does not relate to inactivity, default, or delinquency on that credit card account.

(f) Any borrower who gives a timely notice under subsection (c) of this Section rejecting an amendment to increase fees or charges shall be permitted to pay the outstanding unpaid indebtedness in the borrower's credit card account, in accordance with the terms of the agreement governing the credit card account without giving effect to the amendment.

(g) For purposes of this Section, the following shall not be deemed an amendment that has the effect of increasing the interest to be paid by the borrower:

(1) a decrease in the required amount of periodic installment payments; and

(2) a change from a daily periodic rate to a periodic rate other than daily, or from a periodic rate other than daily to a daily periodic rate, provided that there is no resulting change in the annual percentage rate as determined in accordance with the Truth-in-Lending Act and regulations promulgated thereunder, as in effect from time to time.

Section 10. The Credit Card Issuance Act is amended by changing Section 7.2 as follows:

(815 ILCS 140/7.2)

Sec. 7.2. No credit card issuer shall issue, provide, assign or deliver in any way a credit card account to and in the name of any person under the age of 21 unless the person has submitted a written application and the credit card issuer has:

(1) financial information that the person has an independent ability to make the required minimum periodic payments on the proposed extension of credit; or

(2) financial information that a cosigner, guarantor, or joint applicant who is at least 21 years old has

an independent ability to make the required minimum periodic payments on the proposed extension of credit, and a signed agreement of the cosigner, guarantor, or joint applicant to be either jointly liable for any debt on the account or secondarily liable for any debt on the account incurred by the person before the person has attained the age of 21 ~~18 without the written approval of that person's parent or legal guardian~~.

Upon delivery of a credit card account to and in the name of any person under the age of 18, the credit card issuer shall also include a pamphlet which details the responsible use of a credit card, an explanation of applicable credit limits, payment requirements and the penalties for the misuse and fraudulent use of a credit card.

~~A person under the age of 18 may be issued a credit card account in that person's name without the written approval of a parent or legal guardian if a person over the age of 18 agrees to be a joint holder of the credit card account and accepts the responsibility for any debt or cost associated with the credit card.~~

This Section does not apply to a supplementary card issued to a person under the age of 21 ~~18~~ that allows that person to access a credit card account in the name of a person over the age of 21 ~~18~~ if the person over the age of 21 ~~18~~ requested orally or in writing that the supplementary card be issued to the person under the age of 21 ~~18~~.

(Source: P.A. 88-348.)

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

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

## HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have 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 Schmitz, HOUSE BILL 5671 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:

117, 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 and ask their concurrence.

On motion of Representative Verschoore, HOUSE BILL 6464 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:

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

(ROLL CALL 16)

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.

On motion of Representative Leitch, HOUSE BILL 5304 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:

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

(ROLL CALL 17)

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.

On motion of Representative Moffitt, HOUSE BILL 5183 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:

86, Yeas; 31, Nays; 0, Answering Present.

(ROLL CALL 18)

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.

## RECESS

At the hour of 1:54 o'clock p.m., Representative Mautino moved that the House do now take a recess until the call of the Chair.

The motion prevailed.

At the hour of 3:35 o'clock p.m., the House resumed its session.

Representative Lang in the Chair.

## ACTION ON MOTIONS

Pursuant to Rule 18(g), Representative Tryon moved for unanimous consent to discharge the Committee on Rules from further consideration of Amendment No. 3 to SENATE BILL 1946, and requested a record vote on the motion.

The Chair ruled that a record vote was not necessary because the motion was already lost due to the denial of unanimous consent.

Representative Tryon moved to appeal from the ruling of the Chair.

On the question of sustaining the ruling of the Chair, a vote was taken resulting as follows:

70, Yeas; 47, Nays; 0, Answering Present.

(ROLL CALL 19)

The motion prevailed and the Chair was sustained.

## SENATE BILLS ON SECOND READING

SENATE BILL 1946. Having been read by title a second time on October 28, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Madigan offered and withdrew Amendment No. 2.

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

Representative Madigan offered the following amendment and moved its adoption.

AMENDMENT NO. 4. Amend Senate Bill 1946, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Labor Relations Act is amended by changing Section 15 as follows:

(5 ILCS 315/15) (from Ch. 48, par. 1615)

Sec. 15. Act Takes Precedence.

(a) In case of any conflict between the provisions of this Act and any other law (other than Section 5 of the State Employees Group Insurance Act of 1971 and other than the changes made to the Illinois Pension Code by this amendatory Act of the 96th General Assembly), executive order or administrative regulation relating to wages, hours and conditions of employment and employment relations, the provisions of this Act or any collective bargaining agreement negotiated thereunder shall prevail and control. Nothing in this Act shall be construed to replace or diminish the rights of employees established by Sections 28 and 28a of the Metropolitan Transit Authority Act, Sections 2.15 through 2.19 of the Regional Transportation

Authority Act. The provisions of this Act are subject to Section 5 of the State Employees Group Insurance Act of 1971. Nothing in this Act shall be construed to replace the necessity of complaints against a sworn peace officer, as defined in Section 2(a) of the Uniform Peace Officer Disciplinary Act, from having a complaint supported by a sworn affidavit.

(b) Except as provided in subsection (a) above, any collective bargaining contract between a public employer and a labor organization executed pursuant to this Act shall supersede any contrary statutes, charters, ordinances, rules or regulations relating to wages, hours and conditions of employment and employment relations adopted by the public employer or its agents. Any collective bargaining agreement entered into prior to the effective date of this Act shall remain in full force during its duration.

(c) It is the public policy of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution, that the provisions of this Act are the exclusive exercise by the State of powers and functions which might otherwise be exercised by home rule units. Such powers and functions may not be exercised concurrently, either directly or indirectly, by any unit of local government, including any home rule unit, except as otherwise authorized by this Act.

(Source: P.A. 95-331, eff. 8-21-07.)

Section 10. The Illinois Pension Code is amended by adding Section 1-160 and by amending Sections 2-108.1, 2-119, 2-119.01, 2-119.1, 2-121.1, 2-122, 17-129, 18-124, 18-125, 18-125.1, 18-127, and 18-128.01 as follows:

(40 ILCS 5/1-160 new)

Sec. 1-160. Provisions applicable to new hires.

(a) The provisions of this Section apply to a person who first becomes an employee and a participant under any retirement system or pension fund under this Code, other than a retirement system or pension fund established under Article 2, 3, 4, 5, 6, or 18 of this Code, on or after the effective date of this amendatory Act of the 96th General Assembly notwithstanding any other provision of this Code to the contrary, but do not apply to any self-managed plan established under this Code, to any person with respect to service as a sheriff's law enforcement employee under Article 7, or to any participant of the retirement plan established under Section 22-101.

(b) "Final average salary" means the average monthly salary obtained by dividing the total salary of the participant during the 96 consecutive months of service within the last 120 months of service in which the total salary was the highest by the number of months of service in that period; however, the annual final average salary may not exceed $106,800, as automatically increased by the lesser of 3% or one-half of the annual increase in the consumer price index-u during the preceding 12-month calendar year. For the purposes of a person who first becomes an employee of any retirement system or pension fund to which this Section applies on or after the effective date of this amendatory Act of the 96th General Assembly, in this Code, "final average salary" shall be substituted for the following:

(1) In Articles 7 (except for service as sheriff's law enforcement employees) and 15, "final rate of earnings".

(2) In Articles 8, 9, 10, 11, and 12, "highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal".

(3) In Article 13, "average final salary".

(4) In Article 14, "final average compensation".

(5) In Article 17, "average salary".

(6) In Section 22-207, "wages or salary received by him at the date of retirement or discharge".

For the purposes of this Section, "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the boards of the retirement systems and pension funds.

(c) A participant is entitled to a retirement annuity beginning on the date specified by the participant in a written application only if, on that specified date, he or she has attained age 67 and has at least 10 years of service credit.

A participant who has attained age 62 and has at least 10 years of service credit may elect to receive the lower retirement annuity provided in subsection (d) of this Section.

(d) The retirement annuity of a participant who is retiring after attaining age 62 with at least 10 years of service credit shall be reduced by one-half of 1% for each month that the member's age is under age 67.

(e) Any retirement annuity or supplemental annuity shall be subject to annual increases upon (1)

attainment of age 67 or (2) the first anniversary of the commencement of the annuity, whichever occurs later. Each annual increase shall be calculated at 3% or one-half the annual increase in the consumer price index-u for the preceding calendar year, whichever is less, of the originally granted retirement annuity. If the increase in the consumer price index-u for the preceding calendar year is zero or there is a decrease, then the annuity shall not be increased.

(f) The initial survivor's annuity of an otherwise eligible survivor of a participant who first becomes a participant on or after the effective date of this amendatory Act of the 96th General Assembly shall be in the amount of 66 2/3% of the participant's earned retirement annuity at the date of death and shall be increased (1) on each January 1 occurring on or after the commencement of the annuity if the deceased member died while receiving a retirement annuity or (2) in other cases, on each January 1 occurring after the first anniversary of the commencement of the annuity. Each annual increase shall be calculated at 3% or one-half the annual increase in the consumer price index-u for the preceding calendar year, whichever is less, of the originally granted survivor's annuity. If the increase in the consumer price index-u for the preceding calendar year is zero or there is a decrease, then the annuity shall not be increased.

(g) The benefits in Section 14-110 apply only if the person is a State policeman, a fire fighter in the fire protection service of a department, or a security employee of the Department of Corrections or the Department of Juvenile Justice, as those terms are defined in subsection (b) of Section 14-110. A person who meets the requirements of this Section is entitled to an annuity calculated under the provisions of Section 14-110, in lieu of the regular or minimum retirement annuity, only if the person has withdrawn from service with not less than 20 years of eligible creditable service and has attained age 60, regardless of whether the attainment of age 60 occurs while the person is still in service.

(h) If a person who first becomes a member of a retirement system or pension fund subject to this Section on or after the effective date of this amendatory Act of the 96th General Assembly is receiving a retirement annuity or retirement pension under that system or fund and accepts employment in a position covered under the same Article or any other Article of this Code on a full-time basis, then the person's retirement annuity or retirement pension under that system or fund shall be suspended during that employment. Upon termination of that employment, the person's retirement annuity or retirement pension payments shall resume and, if appropriate, be recalculated under the applicable provisions of this Code.

(i) Notwithstanding any other provision of this Section, a person who first becomes a participant of the retirement system established under Article 15 on or after the effective date of this amendatory Act of the 96th General Assembly shall have the option to enroll in the self-managed plan created under Section 15-158.2 of this Code.

(j) In the case of a conflict between the provisions of this Section and any other provision of this Code, the provisions of this Section shall control.

(40 ILCS 5/2-108.1) (from Ch. 108 1/2, par. 2-108.1)

Sec. 2-108.1. Highest salary for annuity purposes.

(a) "Highest salary for annuity purposes" means whichever of the following is applicable to the participant:

For a participant who first becomes a participant of this System before August 10, 2009 (the effective date of Public Act 96-207) ~~this amendatory Act of the 96th General Assembly~~:

(1) For a participant who is a member of the General Assembly on his or her last day of service: the highest salary that is prescribed by law, on the participant's last day of service, for a member of the General Assembly who is not an officer; plus, if the participant was elected or appointed to serve as an officer of the General Assembly for 2 or more years and has made contributions as required under subsection (d) of Section 2-126, the highest additional amount of compensation prescribed by law, at the time of the participant's service as an officer, for members of the General Assembly who serve in that office.

(2) For a participant who holds one of the State executive offices specified in Section 2-105 on his or her last day of service: the highest salary prescribed by law for service in that office on the participant's last day of service.

(3) For a participant who is Clerk or Assistant Clerk of the House of Representatives or Secretary or Assistant Secretary of the Senate on his or her last day of service: the salary received for service in that capacity on the last day of service, but not to exceed the highest salary (including additional compensation for service as an officer) that is prescribed by law on the participant's last day of service for the highest paid officer of the General Assembly.

(4) For a participant who is a continuing participant under Section 2-117.1 on his or

her last day of service: the salary received for service in that capacity on the last day of service, but not to exceed the highest salary (including additional compensation for service as an officer) that is prescribed by law on the participant's last day of service for the highest paid officer of the General Assembly.

For a participant who first becomes a participant of this System on or after August 10, 2009 (the effective

date of Public Act 96-207) and before the effective date of this amendatory Act of the 96th General Assembly ~~this amendatory Act of the 96th General Assembly~~, the average monthly salary obtained by dividing the total salary of the participant during the period of: (1) the 48 consecutive months of service within the last 120 months of service in which the total compensation was the highest, or (2) the total period of service, if less than 48 months, by the number of months of service in that period.

For a participant who first becomes a participant of this System on or after the effective date of this amendatory Act of the 96th General Assembly, the average monthly salary obtained by dividing the total salary of the participant during the 96 consecutive months of service within the last 120 months of service in which the total compensation was the highest by the number of months of service in that period; however, the highest salary for annuity purposes may not exceed the Social Security Covered Wage Base for 2010, and shall automatically be increased or decreased, as applicable, by a percentage equal to the percentage change in the consumer price index-u during the preceding 12-month calendar year. "Consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the Board.

(b) The earnings limitations of subsection (a) apply to earnings under any other participating system under the Retirement Systems Reciprocal Act that are considered in calculating a proportional annuity under this Article, except in the case of a person who first became a member of this System before August 22, 1994.

(c) In calculating the subsection (a) earnings limitation to be applied to earnings under any other participating system under the Retirement Systems Reciprocal Act for the purpose of calculating a proportional annuity under this Article, the participant's last day of service shall be deemed to mean the last day of service in any participating system from which the person has applied for a proportional annuity under the Retirement Systems Reciprocal Act.

(Source: P.A. 96-207, eff. 8-10-09.)

(40 ILCS 5/2-119) (from Ch. 108 1/2, par. 2-119)

Sec. 2-119. Retirement annuity - conditions for eligibility.

(a) A participant whose service as a member is terminated, regardless of age or cause, is entitled to a retirement annuity beginning on the date specified by the participant in a written application subject to the following conditions:

1. The date the annuity begins does not precede the date of final termination of

service, or is not more than 30 days before the receipt of the application by the board in the case of annuities based on disability or one year before the receipt of the application in the case of annuities based on attained age;

2. The participant meets one of the following eligibility requirements:

For a participant who first becomes a participant of this System before the effective date of this amendatory Act of the 96th General Assembly:

(A) He or she has attained age 55 and has at least 8 years of service credit;

(B) He or she has attained age 62 and terminated service after July 1, 1971 with at least 4 years of service credit; or

(C) He or she has completed 8 years of service and has become permanently disabled and as a consequence, is unable to perform the duties of his or her office.

For a participant who first becomes a participant of this System on or after the effective date of this amendatory Act of the 96th General Assembly, he or she has attained age 67 and has at least 8 years of service credit.

(a-5) A participant who first becomes a participant of this System on or after the effective date of this amendatory Act of the 96th General Assembly who has attained age 62 and has at least 8 years of service credit may elect to receive the lower retirement annuity provided in paragraph (c) of Section 2-119.01 of this Code.

(b) A participant shall be considered permanently disabled only if: (1) disability occurs while in service and is of such a nature as to prevent him or her from reasonably performing the duties of his or her office at the time; and (2) the board has received a written certificate by at least 2 licensed physicians appointed by the board stating that the member is disabled and that the disability is likely to be permanent.
(Source: P.A. 83-1440.)

(40 ILCS 5/2-119.01) (from Ch. 108 1/2, par. 2-119.01)

Sec. 2-119.01. Retirement annuities - Amount.

(a) For a participant in service after June 30, 1977 who has not made contributions to this System after January 1, 1982, the annual retirement annuity is 3% for each of the first 8 years of service, plus 4% for each of the next 4 years of service, plus 5% for each year of service in excess of 12 years, based on the participant's highest salary for annuity purposes. The maximum retirement annuity payable shall be 80% of the participant's highest salary for annuity purposes.

(b) For a participant in service after June 30, 1977 who has made contributions to this System on or after January 1, 1982, the annual retirement annuity is 3% for each of the first 4 years of service, plus 3 1/2% for each of the next 2 years of service, plus 4% for each of the next 2 years of service, plus 4 1/2% for each of the next 4 years of service, plus 5% for each year of service in excess of 12 years, of the participant's highest salary for annuity purposes. The maximum retirement annuity payable shall be 85% of the participant's highest salary for annuity purposes.

(c) Notwithstanding any other provision of this Article, for a participant who first becomes a participant on or after the effective date of this amendatory Act of the 96th General Assembly, the annual retirement annuity is 3% of the participant's highest salary for annuity purposes for each year of service. The maximum retirement annuity payable shall be 60% of the participant's highest salary for annuity purposes.

(d) Notwithstanding any other provision of this Article, for a participant who first becomes a participant on or after the effective date of this amendatory Act of the 96th General Assembly and who is retiring after attaining age 62 with at least 8 years of service credit, the retirement annuity shall be reduced by one-half of 1% for each month that the member's age is under age 67.
(Source: P.A. 86-1488.)

(40 ILCS 5/2-119.1) (from Ch. 108 1/2, par. 2-119.1)

Sec. 2-119.1. Automatic increase in retirement annuity.

(a) A participant who retires after June 30, 1967, and who has not received an initial increase under this Section before the effective date of this amendatory Act of 1991, shall, in January or July next following the first anniversary of retirement, whichever occurs first, and in the same month of each year thereafter, but in no event prior to age 60, have the amount of the originally granted retirement annuity increased as follows: for each year through 1971, 1 1/2%; for each year from 1972 through 1979, 2%; and for 1980 and each year thereafter, 3%. Annuitants who have received an initial increase under this subsection prior to the effective date of this amendatory Act of 1991 shall continue to receive their annual increases in the same month as the initial increase.

(b) Beginning January 1, 1990, for eligible participants who remain in service after attaining 20 years of creditable service, the 3% increases provided under subsection (a) shall begin to accrue on the January 1 next following the date upon which the participant (1) attains age 55, or (2) attains 20 years of creditable service, whichever occurs later, and shall continue to accrue while the participant remains in service; such increases shall become payable on January 1 or July 1, whichever occurs first, next following the first anniversary of retirement. For any person who has service credit in the System for the entire period from January 15, 1969 through December 31, 1992, regardless of the date of termination of service, the reference to age 55 in clause (1) of this subsection (b) shall be deemed to mean age 50.

This subsection (b) does not apply to any person who first becomes a member of the System after the effective date of this amendatory Act of the 93rd General Assembly.

(b-5) Notwithstanding any other provision of this Article, a participant who first becomes a participant on or after the effective date of this amendatory Act of the 96th General Assembly shall, in January or July next following the first anniversary of retirement, whichever occurs first, and in the same month of each year thereafter, but in no event prior to age 67, have the amount of the retirement annuity then being paid increased by 3% or the annual change in the Consumer Price Index for All Urban Consumers, whichever is less.

(c) The foregoing provisions relating to automatic increases are not applicable to a participant who retires before having made contributions (at the rate prescribed in Section 2-126) for automatic increases for less than the equivalent of one full year. However, in order to be eligible for the automatic increases, such a participant may make arrangements to pay to the system the amount required to bring the total

contributions for the automatic increase to the equivalent of one year's contributions based upon his or her last salary.

(d) A participant who terminated service prior to July 1, 1967, with at least 14 years of service is entitled to an increase in retirement annuity beginning January, 1976, and to additional increases in January of each year thereafter.

The initial increase shall be 1 1/2% of the originally granted retirement annuity multiplied by the number of full years that the annuitant was in receipt of such annuity prior to January 1, 1972, plus 2% of the originally granted retirement annuity for each year after that date. The subsequent annual increases shall be at the rate of 2% of the originally granted retirement annuity for each year through 1979 and at the rate of 3% for 1980 and thereafter.

(e) Beginning January 1, 1990, all automatic annual increases payable under this Section shall be calculated as a percentage of the total annuity payable at the time of the increase, including previous increases granted under this Article.

(Source: P.A. 93-494, eff. 8-8-03.)

(40 ILCS 5/2-121.1) (from Ch. 108 1/2, par. 2-121.1)

Sec. 2-121.1. Survivor's annuity - amount.

(a) A surviving spouse shall be entitled to 66 2/3% of the amount of retirement annuity to which the participant or annuitant was entitled on the date of death, without regard to whether the participant had attained age 55 prior to his or her death, subject to a minimum payment of 10% of salary. If a surviving spouse, regardless of age, has in his or her care at the date of death any eligible child or children of the participant, the survivor's annuity shall be the greater of the following: (1) 66 2/3% of the amount of retirement annuity to which the participant or annuitant was entitled on the date of death, or (2) 30% of the participant's salary increased by 10% of salary on account of each such child, subject to a total payment for the surviving spouse and children of 50% of salary. If eligible children survive but there is no surviving spouse, or if the surviving spouse dies or becomes disqualified by remarriage while eligible children survive, each eligible child shall be entitled to an annuity of 20% of salary, subject to a maximum total payment for all such children of 50% of salary.

However, the survivor's annuity payable under this Section shall not be less than 100% of the amount of retirement annuity to which the participant or annuitant was entitled on the date of death, if he or she is survived by a dependent disabled child.

The salary to be used for determining these benefits shall be the salary used for determining the amount of retirement annuity as provided in Section 2-119.01.

(b) Upon the death of a participant after the termination of service or upon death of an annuitant, the maximum total payment to a surviving spouse and eligible children, or to eligible children alone if there is no surviving spouse, shall be 75% of the retirement annuity to which the participant or annuitant was entitled, unless there is a dependent disabled child among the survivors.

(c) When a child ceases to be an eligible child, the annuity to that child, or to the surviving spouse on account of that child, shall thereupon cease, and the annuity payable to the surviving spouse or other eligible children shall be recalculated if necessary.

Upon the ineligibility of the last eligible child, the annuity shall immediately revert to the amount payable upon death of a participant or annuitant who leaves no eligible children. If the surviving spouse is then under age 50, the annuity as revised shall be deferred until the attainment of age 50.

(d) Beginning January 1, 1990, every survivor's annuity shall be increased (1) on each January 1 occurring on or after the commencement of the annuity if the deceased member died while receiving a retirement annuity, or (2) in other cases, on each January 1 occurring on or after the first anniversary of the commencement of the annuity, by an amount equal to 3% of the current amount of the annuity, including any previous increases under this Article. Such increases shall apply without regard to whether the deceased member was in service on or after the effective date of this amendatory Act of 1991, but shall not accrue for any period prior to January 1, 1990.

(d-5) Notwithstanding any other provision of this Article, the initial survivor's annuity of a survivor of a participant who first becomes a participant on or after the effective date of this amendatory Act of the 96th General Assembly shall be in the amount of 66 2/3% of the amount of the retirement annuity to which the participant or annuitant was entitled on the date of death and shall be increased (1) on each January 1 occurring on or after the commencement of the annuity if the deceased member died while receiving a retirement annuity or (2) in other cases, on each January 1 occurring on or after the first anniversary of the commencement of the annuity, by an amount equal to 3% or the annual change in the Consumer Price Index for All Urban Consumers, whichever is less, of the survivor's annuity then being paid.

(e) Notwithstanding any other provision of this Article, beginning January 1, 1990, the minimum survivor's annuity payable to any person who is entitled to receive a survivor's annuity under this Article shall be $300 per month, without regard to whether or not the deceased participant was in service on the effective date of this amendatory Act of 1989.

(f) In the case of a proportional survivor's annuity arising under the Retirement Systems Reciprocal Act where the amount payable by the System on January 1, 1993 is less than $300 per month, the amount payable by the System shall be increased beginning on that date by a monthly amount equal to $2 for each full year that has expired since the annuity began.

(Source: P.A. 91-887, eff. 7-6-00.)

(40 ILCS 5/2-122) (from Ch. 108 1/2, par. 2-122)

Sec. 2-122. Re-entry after retirement. An annuitant who re-enters service as a member shall become a participant on the date of re-entry and retirement annuity payments shall cease at that time. The participant shall resume contributions to the system on the date of re-entry at the rates then in effect and shall begin to accrue additional service credit. He or she shall be entitled to all rights and privileges in the system, including death and disability benefits, subject to the limitations herein provided, except refund of retirement annuity contributions.

Upon subsequent retirement, the participant shall be entitled to a retirement annuity consisting of: (1) the amount of retirement annuity previously granted and terminated by re-entry into service; and (2) the amount of additional retirement annuity earned during the additional service based on the provisions in effect at the date of such subsequent retirement. However, the total retirement annuity shall not exceed the maximum retirement annuity applicable at the date of the participant's last retirement. If the salary of the participant following the latest re-entry into service is higher than that in effect at the date of the previous retirement and the participant restores to the system all amounts previously received as retirement annuity payments, upon subsequent retirement, the retirement annuity shall be recalculated for all service credited under the system as though the participant had not previously retired.

The repayment of retirement annuity payments must be made by the participant in a single sum or by a withholding from salary within a period of 6 years from date of re-entry and in any event before subsequent retirement. If previous annuity payments have not been repaid to the system at the date of death of the participant, any remaining balance must be fully repaid to the system before any further annuity shall be payable.

Such member, if unmarried at date of his last retirement, shall also be entitled to a refund of widow's and widower's annuity contributions, without interest, covering the period from the date of re-entry into service to the date of last retirement.

Notwithstanding any other provision of this Article, if a person who first becomes a participant under this System on or after the effective date of this amendatory Act of the 96th General Assembly is receiving a retirement annuity under this Article and accepts employment in a position covered under this Article or any other Article of this Code on a full-time basis, then the person's retirement annuity under this System shall be suspended during that employment. Upon termination of that employment, the person's retirement annuity shall resume and, if appropriate, be recalculated under the applicable provisions of this Article.

(Source: P.A. 83-1440.)

(40 ILCS 5/17-129) (from Ch. 108 1/2, par. 17-129)

Sec. 17-129. Employer contributions; deficiency in Fund.

(a) If in any fiscal year of the Board of Education ending prior to 1997 the total amounts paid to the Fund from the Board of Education (other than under this subsection, and other than amounts used for making or "picking up" contributions on behalf of teachers) and from the State do not equal the total contributions made by or on behalf of the teachers for such year, or if the total income of the Fund in any such fiscal year of the Board of Education from all sources is less than the total such expenditures by the Fund for such year, the Board of Education shall, in the next succeeding year, in addition to any other payment to the Fund set apart and appropriate from moneys from its tax levy for educational purposes, a sum sufficient to remove such deficiency or deficiencies, and promptly pay such sum into the Fund in order to restore any of the reserves of the Fund that may have been so temporarily applied. Any amounts received by the Fund after December 4, 1997 from State appropriations, including under Section 17-127, shall be a credit against and shall fully satisfy any obligation that may have arisen, or be claimed to have arisen, under this subsection (a) as a result of any deficiency or deficiencies in the fiscal year of the Board of Education ending in calendar year 1997.

(b) (i) Notwithstanding any other provision of this Section, and notwithstanding any prior certification by the Board under subsection (c) for fiscal year 2011, the Board of Education's total required contribution to

the Fund for fiscal year 2011 under this Section is $187,000,000.

(ii) Notwithstanding any other provision of this Section, the Board of Education's total required contribution to the Fund for fiscal year 2012 under this Section is $192,000,000.

(iii) Notwithstanding any other provision of this Section, the Board of Education's total required contribution to the Fund for fiscal year 2013 under this Section is $196,000,000.

(iv) For fiscal years 2014 through 2059, the minimum contribution to the Fund to be made by the Board of Education in each fiscal year shall be an amount determined by the Fund to be sufficient to bring the total assets of the Fund up to 90% of the total actuarial liabilities of the Fund by the end of fiscal year 2059. In making these determinations, the required Board of Education contribution shall be calculated each year as a level percentage of the applicable employee payrolls over the years remaining to and including fiscal year 2059 and shall be determined under the projected unit credit actuarial cost method.

(v) Beginning in fiscal year 2060, the minimum Board of Education contribution for each fiscal year shall be the amount needed to maintain the total assets of the Fund at 90% of the total actuarial liabilities of the Fund.

(vi) Notwithstanding any other provision of this subsection (b), for any fiscal year, the contribution to the Fund from the Board of Education shall not be required to be in excess of the amount calculated as needed to maintain the assets (or cause the assets to be) at the 90% level by the end of the fiscal year.

(vii) Any contribution by the State to or for the benefit of the Fund, including, without limitation, as referred to under Section 17-127, shall be a credit against any contribution required to be made by the Board of Education under this subsection (b).

~~(b) (i) For fiscal years 2011 through 2045, the minimum contribution to the Fund to be made by the Board of Education in each fiscal year shall be an amount determined by the Fund to be sufficient to bring the total assets of the Fund up to 90% of the total actuarial liabilities of the Fund by the end of fiscal year 2045. In making these determinations, the required Board of Education contribution shall be calculated each year as a level percentage of the applicable employee payrolls over the years remaining to and including fiscal year 2045 and shall be determined under the projected unit credit actuarial cost method.~~

~~(ii) For fiscal years 1999 through 2010, the Board of Education's contribution to the Fund, as a percentage of the applicable employee payroll, shall be increased in equal annual increments so that by fiscal year 2011, the Board of Education is contributing at the rate required under this subsection.~~

~~(iii) Beginning in fiscal year 2046, the minimum Board of Education contribution for each fiscal year shall be the amount needed to maintain the total assets of the Fund at 90% of the total actuarial liabilities of the Fund.~~

~~(iv) Notwithstanding the provisions of paragraphs (i), (ii), and (iii) of this subsection (b), for any fiscal year the contribution to the Fund from the Board of Education shall not be required to be in excess of the amount calculated as needed to maintain the assets (or cause the assets to be) at the 90% level by the end of the fiscal year.~~

~~(v) Any contribution by the State to or for the benefit of the Fund, including, without limitation, as referred to under Section 17-127, shall be a credit against any contribution required to be made by the Board of Education under this subsection (b).~~

(c) The Board shall determine the amount of Board of Education contributions required for each fiscal year on the basis of the actuarial tables and other assumptions adopted by the Board and the recommendations of the actuary, in order to meet the minimum contribution requirements of subsections (a) and (b). Annually, on or before February 28, the Board shall certify to the Board of Education the amount of the required Board of Education contribution for the coming fiscal year. The certification shall include a copy of the actuarial recommendations upon which it is based.

(Source: P.A. 89-15, eff. 5-30-95; 90-548, eff. 12-4-97; 90-566, eff. 1-2-98; 90-655, eff. 7-30-98.)

(40 ILCS 5/18-124) (from Ch. 108 1/2, par. 18-124)

Sec. 18-124. Retirement annuities - conditions for eligibility.

(a) This subsection (a) applies to a participant who first serves as a judge before the effective date of this amendatory Act of the 96th General Assembly.

A participant whose employment as a judge is terminated, regardless of age or cause is entitled to a retirement annuity beginning on the date specified in a written application subject to the following:

(1) the date the annuity begins is subsequent to the date of final termination of employment, or the date 30 days prior to the receipt of the application by the board for annuities based on disability, or one year before the receipt of the application by the board for annuities based on attained age;

(2) the participant is at least age 55, or has become permanently disabled and as a

consequence is unable to perform the duties of his or her office;

(3) the participant has at least 10 years of service credit except that a participant terminating service after June 30 1975, with at least 6 years of service credit, shall be entitled to a retirement annuity at age 62 or over;

(4) the participant is not receiving or entitled to receive, at the date of retirement, any salary from an employer for service currently performed.

(b) This subsection (b) applies to a participant who first serves as a judge on or after the effective date of this amendatory Act of the 96th General Assembly.

A participant who has at least 8 years of creditable service is entitled to a retirement annuity when he or she has attained age 67.

A member who has attained age 62 and has at least 8 years of service credit may elect to receive the lower retirement annuity provided in subsection (d) of Section 18-125 of this Code.

(Source: P.A. 83-1440.)

(40 ILCS 5/18-125) (from Ch. 108 1/2, par. 18-125)

Sec. 18-125. Retirement annuity amount.

(a) The annual retirement annuity for a participant who terminated service as a judge prior to July 1, 1971 shall be based on the law in effect at the time of termination of service.

(b) Except as provided in subsection (b-5), effective ~~Effective~~ July 1, 1971, the retirement annuity for any participant in service on or after such date shall be 3 1/2% of final average salary, as defined in this Section, for each of the first 10 years of service, and 5% of such final average salary for each year of service on excess of 10.

For purposes of this Section, final average salary for a participant who first serves as a judge before August 10, 2009 (the effective date of Public Act 96-207) ~~this amendatory Act of the 96th General Assembly~~ shall be:

(1) the average salary for the last 4 years of credited service as a judge for a participant who terminates service before July 1, 1975.

(2) for a participant who terminates service after June 30, 1975 and before July 1, 1982, the salary on the last day of employment as a judge.

(3) for any participant who terminates service after June 30, 1982 and before January 1, 1990, the average salary for the final year of service as a judge.

(4) for a participant who terminates service on or after January 1, 1990 but before the effective date of this amendatory Act of 1995, the salary on the last day of employment as a judge.

(5) for a participant who terminates service on or after the effective date of this amendatory Act of 1995, the salary on the last day of employment as a judge, or the highest salary received by the participant for employment as a judge in a position held by the participant for at least 4 consecutive years, whichever is greater.

However, in the case of a participant who elects to discontinue contributions as provided in subdivision (a)(2) of Section 18-133, the time of such election shall be considered the last day of employment in the determination of final average salary under this subsection.

For a participant who first serves as a judge on or after August 10, 2009 (the effective date of Public Act 96-207) and before the effective date of this amendatory Act of the 96th General Assembly ~~this amendatory Act of the 96th General Assembly~~, final average salary shall be the average monthly salary obtained by dividing the total salary of the participant during the period of: (1) the 48 consecutive months of service within the last 120 months of service in which the total compensation was the highest, or (2) the total period of service, if less than 48 months, by the number of months of service in that period.

The maximum retirement annuity for any participant shall be 85% of final average salary.

(b-5) Notwithstanding any other provision of this Article, for a participant who first serves as a judge on or after the effective date of this amendatory Act of the 96th General Assembly, the annual retirement annuity is 3% of the participant's final average salary for each year of service. The maximum retirement annuity payable shall be 60% of the participant's final average salary.

For a participant who first serves as a judge on or after the effective date of this amendatory Act of the 96th General Assembly, final average salary shall be the average monthly salary obtained by dividing the total salary of the judge during the 96 consecutive months of service within the last 120 months of service in which the total salary was the highest by the number of months of service in that period; however, the final average salary may not exceed the Social Security Covered Wage Base for 2010, and shall automatically be increased or decreased, as applicable, by a percentage equal to the percentage change in the consumer price index-u during the preceding 12-month calendar year. "Consumer price index-u" means

the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the Board.

(c) The retirement annuity for a participant who retires prior to age 60 with less than 28 years of service in the System shall be reduced 1/2 of 1% for each month that the participant's age is under 60 years at the time the annuity commences. However, for a participant who retires on or after the effective date of this amendatory Act of the 91st General Assembly, the percentage reduction in retirement annuity imposed under this subsection shall be reduced by 5/12 of 1% for every month of service in this System in excess of 20 years, and therefore a participant with at least 26 years of service in this System may retire at age 55 without any reduction in annuity.

The reduction in retirement annuity imposed by this subsection shall not apply in the case of retirement on account of disability.

(d) Notwithstanding any other provision of this Article, for a participant who first serves as a judge on or after the effective date of this amendatory Act of the 96th General Assembly and who is retiring after attaining age 62, the retirement annuity shall be reduced by 1/2 of 1% for each month that the participant's age is under age 67 at the time of the annuity commences.

(Source: P.A. 96-207, eff. 8-10-09; revised 10-30-09.)

(40 ILCS 5/18-125.1) (from Ch. 108 1/2, par. 18-125.1)

Sec. 18-125.1. Automatic increase in retirement annuity. A participant who retires from service after June 30, 1969, shall, in January of the year next following the year in which the first anniversary of retirement occurs, and in January of each year thereafter, have the amount of his or her originally granted retirement annuity increased as follows: for each year up to and including 1971, 1 1/2%; for each year from 1972 through 1979 inclusive, 2%; and for 1980 and each year thereafter, 3%.

Notwithstanding any other provision of this Article, a retirement annuity for a participant who first serves as a judge on or after the effective date of this amendatory Act of the 96th General Assembly shall be increased in January of the year next following the year in which the first anniversary of retirement occurs, and in January of each year thereafter, by an amount equal to 3% or the annual change in the Consumer Price Index for All Urban Consumers, whichever is less, of the retirement annuity then being paid.

This Section is not applicable to a participant who retires before he or she has made contributions at the rate prescribed in Section 18-133 for automatic increases for not less than the equivalent of one full year, unless such a participant arranges to pay the system the amount required to bring the total contributions for the automatic increase to the equivalent of one year's contribution based upon his or her last year's salary.

This Section is applicable to all participants in service after June 30, 1969 unless a participant has elected, prior to September 1, 1969, in a written direction filed with the board not to be subject to the provisions of this Section. Any participant in service on or after July 1, 1992 shall have the option of electing prior to April 1, 1993, in a written direction filed with the board, to be covered by the provisions of the 1969 amendatory Act. Such participant shall be required to make the aforesaid additional contributions with compound interest at 4% per annum.

Any participant who has become eligible to receive the maximum rate of annuity and who resumes service as a judge after receiving a retirement annuity under this Article shall have the amount of his or her retirement annuity increased by 3% of the originally granted annuity amount for each year of such resumed service, beginning in January of the year next following the date of such resumed service, upon subsequent termination of such resumed service.

Beginning January 1, 1990, all automatic annual increases payable under this Section shall be calculated as a percentage of the total annuity payable at the time of the increase, including previous increases granted under this Article.

(Source: P.A. 86-273; 87-1265.)

(40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

Sec. 18-127. Retirement annuity - suspension on reemployment.

(a) A participant receiving a retirement annuity who is regularly employed for compensation by an employer other than a county, in any capacity, shall have his or her retirement annuity payments suspended during such employment. Upon termination of such employment, retirement annuity payments at the previous rate shall be resumed.

If such a participant resumes service as a judge, he or she shall receive credit for any additional service.

Upon subsequent retirement, his or her retirement annuity shall be the amount previously granted, plus the amount earned by the additional judicial service under the provisions in effect during the period of such additional service. However, if the participant was receiving the maximum rate of annuity at the time of re-employment, he or she may elect, in a written direction filed with the board, not to receive any additional service credit during the period of re-employment. In such case, contributions shall not be required during the period of re-employment. Any such election shall be irrevocable.

(b) Beginning January 1, 1991, any participant receiving a retirement annuity who accepts temporary employment from an employer other than a county for a period not exceeding 75 working days in any calendar year shall not be deemed to be regularly employed for compensation or to have resumed service as a judge for the purposes of this Article. A day shall be considered a working day if the annuitant performs on it any of his duties under the temporary employment agreement.

(c) Except as provided in subsection (a), beginning January 1, 1993, retirement annuities shall not be subject to suspension upon resumption of employment for an employer, and any retirement annuity that is then so suspended shall be reinstated on that date.

(d) The changes made in this Section by this amendatory Act of 1993 shall apply to judges no longer in service on its effective date, as well as to judges serving on or after that date.

(e) A participant receiving a retirement annuity under this Article who serves 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, but has not elected to participate in the Article 14 System with respect to that service, shall not be deemed to be regularly employed for compensation by an employer other than a county, nor to have resumed service as a judge, on the basis of that service, and the retirement annuity payments and other benefits of that person under this Code shall not be suspended, diminished, or otherwise impaired solely as a consequence of that service. This subsection (e) applies without regard to whether the person is in service as a judge under this Article on or after the effective date of this amendatory Act of the 93rd General Assembly. In this subsection, a "part-time employee" is a person who is not required to work at least 35 hours per week.

(f) A participant receiving a retirement annuity under this Article 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 shall not be deemed to be regularly employed for compensation by an employer other than a county, nor to have resumed service as a judge, on the basis of that service, and the retirement annuity payments and other benefits of that person under this Code shall not be suspended, diminished, or otherwise impaired solely as a consequence of that service. This subsection (f) applies without regard to whether the person is in service as a judge under this Article on or after the effective date of this amendatory Act of the 93rd General Assembly.

(g) Notwithstanding any other provision of this Article, if a person who first becomes a participant under this System on or after the effective date of this amendatory Act of the 96th General Assembly is receiving a retirement annuity under this Article and accepts employment in a position covered under this Article or any other Article of this Code on a full-time basis, then the person's retirement annuity under this System shall be suspended during that employment. Upon termination of that employment, the person's retirement annuity shall resume and, if appropriate, be recalculated under the applicable provisions of this Article.

(Source: P.A. 93-685, eff. 7-8-04; 93-1069, eff. 1-15-05.)

(40 ILCS 5/18-128.01) (from Ch. 108 1/2, par. 18-128.01)

Sec. 18-128.01. Amount of survivor's annuity.

(a) Upon the death of an annuitant, his or her surviving spouse shall be entitled to a survivor's annuity of 66 2/3% of the annuity the annuitant was receiving immediately prior to his or her death, inclusive of annual increases in the retirement annuity to the date of death.

(b) Upon the death of an active participant, his or her surviving spouse shall receive a survivor's annuity of 66 2/3% of the annuity earned by the participant as of the date of his or her death, determined without regard to whether the participant had attained age 60 as of that time, or 7 1/2% of the last salary of the decedent, whichever is greater.

(c) Upon the death of a participant who had terminated service with at least 10 years of service, his or her surviving spouse shall be entitled to a survivor's annuity of 66 2/3% of the annuity earned by the deceased participant at the date of death.

(d) Upon the death of an annuitant, active participant, or participant who had terminated service with at least 10 years of service, each surviving child under the age of 18 or disabled as defined in Section 18-128 shall be entitled to a child's annuity in an amount equal to 5% of the decedent's final salary, not to exceed in

total for all such children the greater of 20% of the decedent's last salary or 66 2/3% of the annuity received or earned by the decedent as provided under subsections (a) and (b) of this Section. This child's annuity shall be paid whether or not a survivor's annuity was elected under Section 18-123.

(e) The changes made in the survivor's annuity provisions by Public Act 82-306 shall apply to the survivors of a deceased participant or annuitant whose death occurs on or after August 21, 1981.

(f) Beginning January 1, 1990, every survivor's annuity shall be increased (1) on each January 1 occurring on or after the commencement of the annuity if the deceased member died while receiving a retirement annuity, or (2) in other cases, on each January 1 occurring on or after the first anniversary of the commencement of the annuity, by an amount equal to 3% of the current amount of the annuity, including any previous increases under this Article. Such increases shall apply without regard to whether the deceased member was in service on or after the effective date of this amendatory Act of 1991, but shall not accrue for any period prior to January 1, 1990.

(g) Notwithstanding any other provision of this Article, the initial survivor's annuity for a survivor of a participant who first serves as a judge after the effective date of this amendatory Act of the 96th General Assembly shall be in the amount of 66 2/3% of the annuity received or earned by the decedent, and shall be increased (1) on each January 1 occurring on or after the commencement of the annuity if the deceased participant died while receiving a retirement annuity, or (2) in other cases, on each January 1 occurring on or after the first anniversary of the commencement of the annuity, by an amount equal to 3% or the annual change in the Consumer Price Index for All Urban Consumers, whichever is less, of the survivor's annuity then being paid.

(Source: P.A. 86-273; 86-1488.)

Section 90. The State Mandates Act is amended by adding Section 8.34 as follows:

(30 ILCS 805/8.34 new)

Sec. 8.34. 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 96th General Assembly.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Section and the changes to Section 17-129 of the Illinois Pension Code take 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 advanced to the order of Third Reading.

## SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. 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 Madigan, SENATE BILL 1946 was taken up and read by title a third time.

The Chair placed this bill on standard debate.

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

92, Yeas; 17, Nays; 7, Answering Present.

(ROLL CALL 20)

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.

**HOUSE BILLS ON SECOND READING**

HOUSE BILL 6749. Having been read by title a second time on March 23, 2010, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 5756.

HOUSE BILL 6748. Having been read by title a second time on March 23, 2010, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 5242.

HOUSE BILL 5905. 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 House Bill 5905 as follows:
on page 1, line 15, by deleting "or severe mental"; and
on page 1, line 16, by deleting "illness"; and
on page 1, line 21, by inserting after "and" the following:
", pursuant to the Department's resource allocation management plan determined in consultation with eligible providers,"; and
on page 2, line 5, by deleting "or renovating"; and
on page 2, by deleting line 16; and
on page 2, line 17, by replacing "(2)" with "(1)"; and
on page 2, line 19, by replacing "(3)" with "(2)"; and
on page 2, line 21, by replacing "(4)" with "(3)".

Representatives Jehan Gordon offered the following amendment and moved its adoption:

AMENDMENT NO. 2 . Amend House Bill 5905 as follows:

on page 1, by replacing line 19 with the following:
"(a) The Department, in consultation with the Board, shall".

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 advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 5900.

HOUSE BILL 5399. 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 House Bill 5399 on page 2, line 17, by inserting ", to the extent possible," after "shall".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 5158.

HOUSE BILL 5802. Having been read by title a second time on March 16, 2010, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: HOUSE BILL 5656.

HOUSE BILL 5762. 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 House Bill 5762 by replacing everything after the enacting clause with the following:

"Section 5. The Child Murderer and Violent Offender Against Youth Registration Act is amended by changing Section 5 as follows:

(730 ILCS 154/5)

Sec. 5. Definitions.

(a) As used in this Act, "violent offender against youth" means any person who is:

(1) charged pursuant to Illinois law, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, with a violent offense against youth set forth in subsection (b) of this Section or the attempt to commit an included violent offense against youth, and:

(A) is convicted of such offense or an attempt to commit such offense; or

(B) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

(C) is found not guilty by reason of insanity pursuant to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(D) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(E) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(2) adjudicated a juvenile delinquent as the result of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in subsection (b) or (c-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, or found guilty under Article V of the Juvenile Court Act of 1987 of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in subsection (b) or (c-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Act as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Act.

For purposes of this Section, "convicted" shall have the same meaning as "adjudicated". For the purposes of this Act, a person who is defined as a violent offender against youth as a result of being adjudicated a juvenile delinquent under paragraph (2) of this subsection (a) upon attaining 17 years of age shall be considered as having committed the violent offense against youth on or after the 17th birthday of the violent offender against youth. Registration of juveniles upon attaining 17 years of age shall not extend the original registration of 10 years from the date of conviction.

(b) As used in this Act, "violent offense against youth" means:

(1) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age, the defendant is not a parent of the victim, and the offense was committed on or after January 1, 1996:

10-1 (kidnapping),

10-2 (aggravated kidnapping),

10-3 (unlawful restraint),

10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(2) First degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the commission of the offense.

(3) Child abduction under paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful purpose and the offense was committed on or after January 1, 1998.

(4) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after July 1, 1999:

10-4 (forcible detention, if the victim is under 18 years of age).

(4.1) Involuntary manslaughter under Section 9-3 of the Criminal Code of 1961 where baby shaking was the proximate cause of death of the victim of the offense.

(4.2) Endangering the life or health of a child under Section 12-21.6 of the Criminal Code of 1961 that results in the death of the child where baby shaking was the proximate cause of the death of the child.

(5) A violation of any former law of this State substantially equivalent to any offense listed in this subsection (b).

(c) A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or a foreign country that is substantially equivalent to any offense listed in subsections (b) and (c-5) of this Section shall constitute a conviction for the purpose of this Act.

(c-5) A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, against a person under 18 years of age, shall be required to register for natural life. A conviction for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in this subsection (c-5) shall constitute a conviction for the purpose of this Act. This subsection (c-5) applies to a person who committed the offense before June 1, 1996 only if the person is incarcerated in an Illinois Department of Corrections facility on August 20, 2004.

(d) As used in this Act, "law enforcement agency having jurisdiction" means the Chief of Police in each of the municipalities in which the violent offender against youth expects to reside, work, or attend school (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to reside, work, or attend school in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

(e) As used in this Act, "supervising officer" means the assigned Illinois Department of Corrections parole agent or county probation officer.

(f) As used in this Act, "out-of-state student" means any violent offender against youth who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher learning.

(g) As used in this Act, "out-of-state employee" means any violent offender against youth who works in Illinois, regardless of whether the individual receives payment for services performed, for a period of time of 10 or more days or for an aggregate period of time of 30 or more days during any calendar year. Persons who operate motor vehicles in the State accrue one day of employment time for any portion of a day spent

in Illinois.

(h) As used in this Act, "school" means any public or private educational institution, including, but not limited to, any elementary or secondary school, trade or professional institution, or institution of higher education.

(i) As used in this Act, "fixed residence" means any and all places that a violent offender against youth resides for an aggregate period of time of 5 or more days in a calendar year.

(j) As used in this Act, "baby shaking" means the vigorous shaking of an infant or a young child that may result in bleeding inside the head and cause one or more of the following conditions: irreversible brain damage; blindness, retinal hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal cord injury, including paralysis; seizures; learning disability; central nervous system injury; closed head injury; rib fracture; subdural hematoma; or death.

(Source: P.A. 94-945, eff. 6-27-06.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 4781. Having been read by title a second time on March 24, 2010, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

## RECESS

At the hour of 4:54 o'clock p.m., Representative Lang moved that the House do now take a recess until the hour of 5:30 o'clock p.m.

The motion prevailed.

At the hour of 5:41 o'clock p.m., the House resumed its session.

Representative Lang in the Chair.

## HOUSE BILLS ON SECOND READING

Having been read by title a second time on March 23, 2010 and held, the following bill was taken up and advanced to the order of Third Reading: HOUSE BILL 4837.

Having been read by title a second time on March 23, 2010 and held, the following bill was taken up and advanced to the order of Third Reading: HOUSE BILL 5301.

HOUSE BILL 4871. Having been read by title a second time on March 17, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Poe offered the following amendment and moved its adoption.

AMENDMENT NO. 2 . Amend House Bill 4871, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Deposit of State Moneys Act is amended by adding Section 22.9 as follows:

(15 ILCS 520/22.9 new)

Sec. 22.9. Dissolution of Illinois Insured Mortgage Pilot Program Trust.

(a) The State Treasurer is hereby authorized to transfer any portion of the balance remaining in the Illinois Insured Mortgage Pilot Program Trust back to the State's general investment pool; however, no later than 90 days after the effective date of this amendatory Act of the 96th General Assembly, he or she shall transfer back to the State treasury an amount exceeding $15,000,000. These funds shall be used to reconcile the State's general investment pool investment account for the Illinois Insured Mortgage Pilot Program, and any funds transferred in excess of the investment account balance shall be treated as interest income and allocated across State funds according to existing State law governing interest income, including allocating interest income to the General Revenue Fund.

(b) The State Treasurer may retain a balance in the Illinois Insured Mortgage Pilot Program Trust sufficient to make the following payments:

(1) any costs incurred in connection with the operations of the Illinois Insured Mortgage Pilot Program;

(2) legal or other professional services fees incurred because of the operations of the Illinois Insured Mortgage Pilot Program; or

(3) any costs associated with the winding down of the Illinois Insured Mortgage Pilot Program Trust. The amount retained as a balance in the Illinois Insured Mortgage Pilot Program Trust shall be determined solely by the Treasurer.

(c) When the State Treasurer determines that the business of the Illinois Insured Mortgage Pilot Program Trust has concluded, the State Treasurer shall take the necessary steps to dissolve the Trust and to cause the transfer of the remaining balance of the Trust to the State's general investment pool, to be applied as set forth in this Section.

(d) This Section is repealed on December 31, 2011.

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

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

## DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 5:48 o'clock p.m.

## 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 Burns, HOUSE BILL 5783 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:

95, Yeas; 20, Nays; 1, Answering Present.

(ROLL CALL 21)

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 SECOND READING

SENATE BILL 1182. Having been reproduced, was taken up and read by title a second time.

Representative Madigan offered and withdrew Amendment No. 1.

Representative Madigan offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend Senate Bill 1182, by deleting everything after the enacting clause and inserting the following:

"ARTICLE 1

Section 10. "AN ACT concerning appropriations", Public Act 96-0046, approved July 15, 2009, is amended by changing Sections 25 and 30 of Article 19 as follows:

(P.A. 96-0046, Art. 19, Sec. 25)

Sec. 25. The following named amounts, or so much thereof as may be necessary, respectively,

are appropriated to the Department of Children and Family Services for payments for care of children served by the Department of Children and Family Services:

GRANTS-IN-AID
REGIONAL OFFICES
PAYABLE FROM DCFS CHILDREN'S SERVICES FUND

| | | |
|---|---|---|
| For Foster Homes and Specialized Foster Care and Prevention | 127,195,300 | ~~123,678,500~~ |
| For Cash Assistance and Housing Locator Services to Families in the Class Defined in the Norman Consent Order | 2,071,300 | |
| For Counseling and Auxiliary Services | 12,047,200 | |
| For Institution and Group Home Care and Prevention | 86,595,800 | |
| For Assisting in the development of Children's Advocacy Centers | 1,398,200 | |
| For Children's Personal and Physical Maintenance | 2,856,100 | |
| For Services Associated with the Foster Care Initiative | 1,477,100 | |
| For Purchase of Adoption and Guardianship Services | 86,232,700 | ~~84,563,400~~ |
| For Family Preservation Services | 18,047,400 | |
| For Purchase of Children's Services | 1,314,600 | |
| For Family Centered Services Initiative | 16,489,700 | |
| Total | $350,539,300 | |

(P.A. 96-0046, Art. 19, Sec. 30)

Sec. 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:

GRANTS-IN-AID
BUDGET AND FINANCE
PAYABLE FROM THE CHILD ABUSE PREVENTION FUND

| | |
|---|---|
| For Child Abuse Prevention | 600,000 |
| Total | $600,000 |

PAYABLE FROM THE DCFS CHILDREN'S SERVICES FUND

| | |
|---|---|
| For Tort Claims | 5,786,300 |
| Total | $5,786,300 |

CLINICAL SERVICES
PAYABLE FROM THE DCFS CHILDREN'S SERVICES FUND

| | |
|---|---|
| For Foster Care and Adoption Care Training | 14,608,500 |
| Total | $14,608,500 |

Section 15. "AN ACT concerning appropriations", Public Act 96-0035, approved July 13, 2009, as amended, is amended by changing Section 175 of Article 35 as follows:

(P.A. 96-0035, Art. 35, Sec. 175)

Sec. 175. The sum of $45,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in Illinois; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of ~~the~~ Illinois ~~River Basin~~; and to fund the monitoring of long-term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 20. "AN ACT concerning appropriations", Public Act 96-0042, approved July 15, 2009,

is amended by changing Sections 5 and 15 of Article 33 as follows:

(P.A. 96-0042, Art. 33, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Department of Corrections to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2010:

OPERATIONS

| | | |
|---|---|---|
| For Personal Services for Bargaining Unit Employees | 722,087,100 | ~~707,242,600~~ |
| For State Contributions to Social Security for Bargaining Unit Employees | 54,115,200 | ~~54,104,100~~ |

(P.A. 96-0042, Art. 33, Sec. 15)

Sec. 15. The amount of $351,904,400 ~~$342,825,700~~, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Corrections to meet its operational expenses for the fiscal year ending June 30, 2010.

Section 25. "AN ACT concerning appropriations", Public Act 96-0046, approved July 15, 2009, is amended by changing Sections 10 and 15 of Article 24 as follows:

(P.A. 96-0046, Art. 24, Sec. 10)

Sec. 10. The following named amounts, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Employment Security:

FINANCE AND ADMINISTRATION BUREAU

| | | |
|---|---|---|
| Payable from Title III Social Security and Employment Service Fund: | | |
| For Personal Services | 20,432,800 | |
| For State Contributions to State Employees' Retirement System | 5,798,200 | |
| For State Contributions to Social Security | 1,563,100 | |
| For Group Insurance | 4,849,500 | |
| For Contractual Services | 58,509,300 | ~~48,909,300~~ |
| For Travel | 153,300 | |
| For Commodities | 1,206,300 | |
| For Printing | 2,539,100 | ~~1,939,100~~ |
| For Equipment | 4,022,400 | |
| For Telecommunications Services | 2,645,700 | |
| For Operation of Auto Equipment | 106,300 | |
| Payable from Title III Social Security and Employment Service Fund: | | |
| For expenses related to America's Labor Market Information System | 1,500,000 | |
| Total | $101,762,900 | ~~$93,126,000~~ |

(P.A. 96-0046, Art. 24, Sec. 15)

Sec. 15. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Employment Security:

WORKFORCE DEVELOPMENT

| | | |
|---|---|---|
| Payable from Title III Social Security and Employment Service Fund: | | |
| For Personal Services | 89,091,600 | ~~77,891,600~~ |
| For State Contributions to State Employees' Retirement System | 25,281,500 | ~~22,103,300~~ |
| For State Contributions to Social Security | 6,858,700 | ~~5,958,700~~ |
| For Group Insurance | 21,862,500 | |
| For Contractual Services | 3,088,900 | |

For Travel ..... 1,195,600
For Telecommunications Services ..... 6,247,800
For Permanent Improvements ..... 0
For Refunds ..... 300,000
For expenses related to the
Development of Training Programs ..... 100,000
For expenses related to Employment
Security Automation ..... 10,000,000 ~~5,000,000~~
For expenses related to a Benefit
Information System Redefinition ..... 15,000,000
Total $179,026,600 ~~$158,748,400~~

Payable from the Unemployment Compensation
Special Administration Fund:
For expenses related to Legal
Assistance as required by law ..... 2,000,000
For deposit into the Title III
Social Security and Employment
Service Fund ..... 12,000,000
For Interest on Refunds of Erroneously
Paid Contributions, Penalties and
Interest ..... 100,000
Total $14,100,000

Section 30. "AN ACT concerning appropriations", Public Act 96-0046, approved July 15, 2009, as amended by Public Act 96-0819, is amended by changing Section 160 of Article 27 as follows:

(P.A. 96-0046, Art. 27, Sec. 160)

Sec. 160. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services for the following purpose:

DISTRIBUTIVE ITEM
GRANT-IN-AID

Payable from the Employment and Training Fund:
For Temporary Assistance to Needy
Families under Article IV and other
social services including Emergency
Assistance for families with Dependent
Children, in accordance
with applicable laws and regulations
for the State portion of federal
funds made available by the American
Recovery and Reinvestment
Act of 2009. ..... $293,000,000 ~~$30,000,000~~

Section 35. "AN ACT concerning appropriations", Public Act 96-0046, approved July 15, 2009, is amended by changing Section 15 of Article 31 as follows:

(P.A. 96-0046, Art. 31, Sec. 15)

Sec. 15. The sum of $1,247,400 ~~$528,800~~, or so much thereof as may be necessary, is appropriated from the Federal Support Agreement Revolving Fund to the Department of Military Affairs Facilities Division for expenses ~~related to the Bartonville and Kankakee armories~~ for operations and maintenance according to ~~the~~ Joint-Use Agreements, including costs in prior years.

Section 40. "AN ACT concerning appropriations", Public Act 96-0046, approved July 15, 2009, is amended by changing Section 55 of Article 34 as follows:

(P.A. 96-0046, Art. 34, Sec. 55)

Sec. 55. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Revenue for the ordinary and contingent expenses for Lottery, including operating expenses related to Multi-State Lottery games pursuant to the Illinois Lottery Law:

PAYABLE FROM STATE LOTTERY FUND

| | | |
|---|---|---|
| For Personal Services | | 9,624,500 |
| For State Contributions for the State Employees' Retirement System | | 2,731,100 |
| For State Contributions to Social Security | | 752,200 |
| For Group Insurance | | 2,865,200 |
| For Contractual Services | | 29,613,700 |
| For Travel | | 110,400 |
| For Commodities | | 33,600 |
| For Printing | | 29,800 |
| For Equipment | | 85,000 |
| For Electronic Data Processing | | 3,339,000 |
| For Telecommunications Services | | 8,563,700 |
| For Operation of Auto Equipment | | 475,000 |
| For Refunds | | 48,000 |
| For Expenses of Developing and Promoting Lottery Games | | 7,533,200 |
| For Expenses of the Lottery Board | | 8,300 |
| For payment of prizes to holders of winning lottery tickets or shares, including prizes related to Multi-State Lottery games, and payment of promotional or incentive prizes associated with the sale of lottery tickets, pursuant to the provisions of the "Illinois Lottery Law" | 355,050,000 | ~~315,050,000~~ |
| Total | $420,862,700 | ~~$380,862,700~~ |

Section 45. "AN ACT concerning appropriations", Public Act 96-0035, approved July 15, 2009, is amended by changing Section 25 and by adding new Sections 16, 37, 77 and 84.6 to Article 50 as follows:

(P.A. 96-0035, Art. 50, Sec. 25)

Sec. 25. The sum of $1,410,000,000 ~~$310,000,000~~, or so much thereof as may be necessary, is appropriated from the Transportation Bond Series A Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations for the state portion of the Road Improvement Program as approximated below:

| | | |
|---|---|---|
| District 1, Schaumburg | 654,518,000 | ~~112,518,000~~ |
| District 2, Dixon | 120,962,000 | ~~23,962,000~~ |
| District 3, Ottawa | 55,550,000 | ~~25,550,000~~ |
| District 4, Peoria | 93,045,000 | ~~23,045,000~~ |
| District 5, Paris | 82,282,000 | ~~14,282,000~~ |
| District 6, Springfield | 168,230,000 | ~~19,230,000~~ |
| District 7, Effingham | 100,302,000 | ~~22,302,000~~ |
| District 8, Collinsville | 31,675,000 | ~~26,675,000~~ |
| District 9, Carbondale | 78,300,000 | ~~17,300,000~~ |
| Statewide (including refunds) | | 25,136,000 |
| Engineering | | 0 |

Total $1,410,000,000 ~~310,000,000~~

(P.A. 96-0035, Art. 50, Sec. 16, new)

Sec. 16. The sum of $8,754,000 or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation, for Transportation, Community and System Preservation (TCSP), Discretionary Interstate Maintenance, and Surface Transportation Priorities earmarks pertaining to state and local governments as designated in the Consolidated Appropriations Act, 2010, Public Law 111-117; provided such amounts do not exceed funds made available by the federal government through Congressional designations, annual allocations, obligation limitations, or any other federal limitations, as approximated below:

Transportation, Community and System Preservation
(TCSP)

| | |
|---|---|
| City of Urbana, Goodwin Street Expansion, IL | 750,000 |
| Harrisburg Missouri Street, Hospital Access Project, IL | 400,000 |
| Montrose Avenue Repaving – Harlem to Canfield, IL | 350,000 |
| Rakow Road widening in McHenry County, IL | 750,000 |
| Total | 2,250,000 |

Transportation, Community and System Preservation (TCSP)
FFY 2008 Project Corrections
(originally funded in the Consolidated Appropriation Act, 2008, Division K, Public Law 110-161)

| | |
|---|---|
| Intersection Improvements on Crawford Avenue and 203rd Street in the Village of Olympia Fields, IL | 392,000 |

Transportation, Community and System Preservation (TCSP)
FFY 2009 Project Corrections
(originally funded in the Omnibus Appropriations Act, 2009, Public Law 111-8)

| | |
|---|---|
| East Bank River Front and Bikeway Improvements, IL | 475,000 |

Discretionary Interstate Maintenance

| | |
|---|---|
| 79th Street/Stony Island/South Chicago Reconstruction, IL | 900,000 |
| Construction of a new interchange on I-80 at Brisbin Road, Morris, IL | 900,000 |
| I-74 Bridge Corridor Project, Moline, IL | 1,200,000 |
| Total | 3,000,000 |

Surface Transportation Priorities

| | |
|---|---|
| East Avenue Resurfacing, IL | 600,000 |
| Edwards County Bone Gap Road, IL | 400,000 |
| IL Route 120 Corridor, Lake County, IL | 600,000 |
| Jerome and Mousette Lanes, Cahokia, IL | 300,000 |
| Knoxville Road Reconstruction, Mercer County | 487,000 |
| Route 30 Intersection Improvements and Add-Lanes | 250,000 |
| Total | 2,637,000 |

(P.A. 96-0035, Art. 50, Sec. 37, new)

Sec. 37. The sum of $895,900, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation, for the local match of all other non-federally reimbursed expenses associated with the Transportation, Community and System Preservation (TCSP) and Discretionary Interstate Maintenance earmarks specifically identified in Section 16 of this Article of

this Act, provided that such amounts do not exceed funds made available and paid into the Road Fund by local governments.

(P.A. 96-0035, Art. 50, Sec. 77, new)

Sec. 77. The sum of $200,000,000 or so much thereof as may be necessary, is appropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for grants, construction, and all other costs relating to high speed rail projects, provided such amounts not exceed funds made available by the federal government for this purpose.

(P.A. 96-0035, Art. 50, Sec. 84.6, new)

Sec. 84.6. The sum of $800,000,000 or so much thereof as may be necessary, is appropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for grants, construction, and all other costs relating to high speed rail projects in compliance with the American Recovery and Reinvestment Act of 2009, provided such amounts not exceed funds made available by the federal government for this purpose.

Section 50. "AN ACT concerning appropriations", Public Act 96-0042, approved July 15, 2009, is amended by changing Section 15 of Article 46 as follows:

(P.A. 96-0042, Art. 46, Sec. 15)

Sec. 15. The amount of $1,334,200 ~~$334,200~~, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Executive Ethics Commission to meet its operational expenses for the fiscal year ending June 30, 2010.

Section 55. "AN ACT concerning appropriations", Public Act 96-0035, approved July 13, 2009, is amended by changing Section 25 of Article 60 as follows:

(P.A. 96-0035, Art. 60, Sec. 25)

Sec 25. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

JAMES R. THOMPSON CENTER- CHICAGO

For planning and beginning electrical system and life safety system upgrades ..... 1,000,000

For upgrading the HVAC system ..... 4,150,000

ELGIN REGIONAL OFFICE BUILDING

For upgrading the HVAC system ..... 2,461,000

COLLINSVILLE REGIONAL OFFICE BUILDING

For replacing the roof ..... 1,980,000

CHICAGO MEDICAL CENTER – OFFICE AND LABORATORY

For installing an emergency generator and upgrading the electrical system ..... 2,000,000

STATEWIDE ~~(JRTC, EPA, CHAMPAIGN ROB)~~

For the renovation of state-owned property ..... 2,000,000

Total $13,591,000

Section 60. "AN ACT concerning appropriations", Public Act 96-0046, approved July 15, 2009, is amended by changing Section 40 of Article 42 as follows:

(P.A. 96-0046, Art. 42, Sec. 40)

Sec. 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Transportation Regulatory Fund for ordinary and contingent expenses to the Illinois Commerce Commission:

TRANSPORTATION

| | | |
|---|---|---|
| For Personal Services | 5,518,700 | ~~5,404,700~~ |
| For State Contributions to State Employees' Retirement System | 1,566,000 | ~~1,533,700~~ |
| For State Contributions to Social Security | 408,100 | ~~399,400~~ |
| For Group Insurance | 1,085,600 | ~~1,065,300~~ |
| For Contractual Services | 611,300 | ~~534,800~~ |
| For Travel | 105,000 | ~~97,000~~ |
| For Commodities | 41,300 | ~~39,800~~ |
| For Printing | 20,300 | ~~14,450~~ |

| | | |
|---|---|---|
| For Equipment | 180,000 | ~~129,000~~ |
| For Electronic Data Processing | 273,700 | ~~215,000~~ |
| For Telecommunications | 181,800 | ~~98,200~~ |
| For Operation of Auto Equipment | 210,000 | ~~190,000~~ |
| For Refunds | | 24,700 |
| Total | $10,226,500 | ~~$9,746,050~~ |

Section 65. "AN ACT concerning appropriations", Public Act 96-0046, approved July 15, 2009, is amended by adding Section 610 to Article 8 as follows:

(P.A. 96-0046, Art. 8, Sec. 610, new)

Sec. 610. The following named amounts are appropriated from the General Revenue Fund to the Illinois Court of Claims to pay pending lapsed appropriations claims for utility charges provided in Fiscal year 2008 for which insufficient funds lapsed in the appropriations accounts out of which payment for the utility charges would have been made. The specific claims to be paid by this appropriation are as follows:

| | |
|---|---|
| No. 09-CC-1476, University of Illinois at Chicago, Energy Resource Center, Debt, against the Department of Corrections | $254,558 |
| No. 09-CC-1477, University of Illinois at Chicago, Energy Resource Center, Debt, against the Department of Corrections | 963,244 |
| No. 09-CC-1489, University of Illinois at Chicago, Energy Resource Center, Debt, against the Department of Corrections | 1,234,467 |
| No. 09-CC-1494, University of Illinois at Chicago, Energy Resource Center, Debt, against the Department of Corrections | 590,572 |
| No. 09-CC-1502, University of Illinois at Chicago, Energy Resource Center, Debt, against the Department of Corrections | 439,078 |
| No. 09-CC-1503, University of Illinois at Chicago, Energy Resource Center, Debt, against the Department of Corrections | 633,222 |
| No. 09-CC-1504, University of Illinois at Chicago, Energy Resource Center, Debt, against the Department of Corrections | 286,246 |

Section 70. "AN ACT concerning appropriations", Public Act 96-0046, approved July 15, 2009, is amended by changing Section 7 and adding new Section 45 to Article 60 as follows:

(P.A. 96-0046, Art. 60, Sec. 7)

Sec. 7. The following amounts, or so much thereof as may be necessary, which shall be used by the Illinois State Board of Education exclusively for the foregoing purposes and not, under any circumstances, for personal services expenditures or other operational or administrative costs, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2009:

| | |
|---|---|
| From the School District Emergency Financial Assistance Fund: | |
| For Emergency Financial Assistance, 1B-8 of the School Code | 1,000,000 |
| From the Drivers Education Fund: | |
| For Drivers Education | 17,929,600 |

| | |
|---|---|
| From the Charter Schools Revolving Loan Fund: | |
| For Charter Schools Loans | 20,000 |
| From the School Technology Revolving Loan Fund: | |
| For School Technology Loans, 2-3.117a of the School Code | 5,000,000 |
| From the Temporary Relocation Expenses Revolving Grant Fund: | |
| For Temporary Relocation Expenses, 2-3.77 of the School Code | 1,400,000 |
| From the State Board of Education Federal Agency Services Fund: | |
| For Learn and Serve America | 2,500,000 |
| From the State Board of Education Federal Department of Agriculture Fund: | |
| For Child Nutrition | 525,000,000 |
| From the State Board of Education Federal Department of Education Fund: | |
| For Title I | 675,000,000 |
| For Title I, Reading First | 60,000,000 |
| For Title II, Teacher/Principal Training | 135,000,000 |
| For Title III, English Language Acquisition | 40,000,000 |
| For Title IV, 21st Century/Community Service Programs | 55,000,000 |
| For Title IV, Safe and Drug Free Schools | 15,000,000 |
| For Title V, Innovation Programs | 8,000,000 |
| For Title VI, Rural and Low Income Students | 1,500,000 |
| For Title X, Homeless Education | 3,250,000 |
| For Enhancing Education through Technology | 20,000,000 |
| For Individuals with Disabilities Act, Deaf/Blind | 450,000 |
| For Individuals with Disabilities Act, IDEA | 570,000,000 |
| For Individuals with Disabilities Act, Improvement Program | 2,500,000 |
| For Individuals with Disabilities Act, Model Outreach Program Grants | 400,000 |
| For Individuals with Disabilities Act, Pre-School | 25,000,000 |
| For Grants for Vocational Education – Basic | 55,000,000 |
| For Grants for Vocational Education – Technical Preparation | 5,000,000 |
| For Charter Schools | 6,000,000 |
| For Transition to Teaching | 1,000,000 |
| For Advanced Placement Fee | 2,000,000 |
| For Math/Science Partnerships | 9,000,000 |
| For Integration of Mental Health | 400,000 |
| For ONPAR | 2,000,000 |
| For Special Federal Congressional Projects | 5,000,000 |
| ~~For Longitudinal Data Systems Project~~ | ~~2,700,000~~ |
| Total | $1,696,500,000 ~~$1,699,200,000~~ |

(P.A. 96-0046, Art. 60, Sec. 45, new)

Sec. 45. The amount of $2,700,000, or so much thereof as may be necessary, is appropriated from the State Board of Education Federal Department of Education Fund to the Illinois State Board of

Education for the Longitudinal Data System Project.

Section 75. "AN ACT concerning appropriations", Public Act 96-0113, approved July 31, 2009, is amended by changing Section 20 of Article 1 as follows:

(P.A. 96-0113, Art. 1, Sec. 20)

Sec. 20. The following amounts, or so much thereof as may be necessary, which shall be used by the Illinois State Board of Education exclusively for the foregoing purposes and not, under any circumstances, for personal services expenditures or other operational or administrative costs, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2009:

From the General Revenue Fund:

| | | |
|---|---|---|
| For Disabled Student Personnel Reimbursement | 368,151,700 | ~~459,600,000~~ |
| For Disabled Student Transportation Reimbursement | 357,096,600 | ~~429,700,000~~ |
| For Disabled Student Tuition, Private Tuition | 157,652,800 | ~~181,100,000~~ |
| For Funding for Children Requiring Special Education, 14-7.02 of the School Code | 275,076,800 | ~~334,236,800~~ |
| For Reimbursement for the Free Breakfast/ Lunch Program | | 26,300,000 |
| For Summer School Payments, 18-4.3 of the School Code | | 11,700,000 |
| For Transportation-Regular/Vocational Common School Transportation Reimbursement, 29-5 of the School Code | 270,009,700 | ~~351,100,000~~ |
| For Regular Education Reimbursement Per 18-3 of the School Code | | 13,000,000 |
| For Special Education Reimbursement Per 14-7.03 of the School Code | | 120,200,000 |
| Total | $1,599,187,600 | ~~$1,926,936,800~~ |

From the Education Assistance Fund:

| | |
|---|---|
| For Disabled Student Personnel Reimbursement | 91,448,300 |
| For Disabled Student Transportation Reimbursement | 72,603,400 |
| For Disabled Student Tuition, Private Tuition | 23,447,200 |
| For Funding for Children Requiring Special Education, 14-7.02 of the School Code | 59,160,000 |
| For Transportation-Regular/Vocational Common School Transportation Reimbursement, 29-5 of the School Code | 81,090,300 |

Total $327,749,200

Section 80. "AN ACT concerning appropriations", Public Act 96-0114, approved July 31, 2009, is amended by changing Section 25 of Article 4 as follows:

(P.A. 96-0114, Art. 4, Sec. 25)

Sec. 25. In addition to any other amounts appropriated for such purposes, the following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Illinois Community College Board for the fiscal year beginning July 1, 2009, pursuant to Title XIV (Other Government Services) of the American Recovery and Reinvestment Act of 2009:

| | | |
|---|---|---|
| For Base Operating Grants | 1,510,500 | ~~1,446,160~~ |
| For Equalization Grants | 0 | ~~64,340~~ |
| Total | $1,510,500 | ~~$10,581,000~~ |

Section 85. "AN ACT concerning appropriations", Public Act 96-0046, approved July 15, 2009, is amended by changing Section 15 of Article 28 as follows:

(P.A. 96-0046, Art. 28, Sec. 15)

Sec. 15. The amount of $4,550,000 ~~$3,300,000~~, or so much thereof as may be necessary, is appropriated to the Illinois Power Agency from the Illinois Power Agency Operations Fund for its ordinary and contingent expenses.

Section 90. The amount of $186,157.76, or so much of that amount as may be necessary, is appropriated from the IMSA Income Fund to the Illinois Mathematics and Science Academy for the support of the Illinois Virtual School.

Section 95. In addition to other amounts appropriated or otherwise allocated for this purpose, the amount of $1,500,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for expenses associated with the operation of the Franklin County Juvenile Detention Center, including a juvenile methamphetamine pilot program.

Section 100. The following named amounts are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 10-CC-1973, Nathson Fields, Tort, against
the Department of Corrections..... 199,150.00

Section 999. This Act takes effect immediately.".

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 ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. 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 Madigan, SENATE BILL 1182 was taken up and read by title a third time.

The Chair placed this bill on standard debate.

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

115, Yeas; 1, Nay; 0, Answering Present.

(ROLL CALL 22)

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.

## AGREED RESOLUTIONS

HOUSE RESOLUTIONS 1050, 1051, 1052, 1053, 1054 and 1055 were taken up for consideration.

Representative Mautino moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

At the hour of 6:54 o'clock p.m., Representative Acevedo moved that the House do now adjourn until Thursday, March 25, 2010, at 10:00 o'clock a.m., allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

NO. 1

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

March 24, 2010

0 YEAS 0 NAYS 117 PRESENT

| | | | |
|---|---|---|---|
| P Acevedo | P Davis, Monique | P Jefferson | P Reis |
| P Arroyo | P Davis, William | P Joyce | P Reitz |
| P Bassi | P DeLuca | P Kosel | P Riley |
| P Beaubien | P Dugan | P Lang | P Rita |
| P Beiser | P Dunkin | P Leitch | P Rose |
| P Bellock | P Durkin | P Lyons | P Sacia |
| P Berrios | P Eddy | P Mathias | P Saviano |
| P Biggins | P Farnham | P Mautino | P Schmitz |
| P Black | P Feigenholtz | P May | P Senger |
| P Boland | P Flider | P McAsey | P Sente |
| P Bost | P Flowers | P McAuliffe | P Smith |
| P Bradley | P Ford | P McCarthy | P Sommer |
| P Brady | P Fortner | P McGuire | P Soto |
| P Brauer | P Franks | P Mell | P Stephens |
| P Burke | P Fritchey | P Mendoza | P Sullivan |
| P Burns | P Froehlich | P Miller | P Thapedi |
| P Carberry | P Golar | P Mitchell, Bill | P Tracy |
| P Cavaletto | P Gordon, Careen | P Mitchell, Jerry | P Tryon |
| P Chapa LaVia | P Gordon, Jehan | P Moffitt | P Turner |
| P Coladipietro | P Graham | P Mulligan | P Verschoore |
| P Cole | P Hamos | P Myers | P Wait |
| P Collins | P Hannig | P Nekritz | P Walker |
| P Colvin | P Harris | P Osmond | P Washington |
| P Connelly | P Hatcher | P Osterman | P Watson |
| P Coulson | P Hernandez | P Phelps | P Winters |
| P Crespo | P Hoffman | P Pihos | P Yarbrough |
| P Cross | P Holbrook | P Poe | P Zalewski |
| P Cultra | P Howard | P Pritchard | P Mr. Speaker |
| A Currie | P Jackson | P Ramey | |
| P D'Amico | P Jakobsson | P Reboletti | |

E - Denotes Excused Absence

NO. 2

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5448
MARRIAGE LICENSE-FETAL ALCOHOL
THIRD READING
PASSED

March 24, 2010

113 YEAS 3 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | N Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | Y Eddy | Y Mathias | Y Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | Y Sente |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | A Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| N Cultra | Y Howard | N Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 3

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5026
INS CD-POOL CERT OF AUTH
THIRD READING
PASSED

March 24, 2010

115 YEAS 0 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | Y Eddy | Y Mathias | Y Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | A Sente |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | A Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 4

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5527
INS CD-UNIFORM DRUG INFO CARDS
THIRD READING
PASSED

March 24, 2010

115 YEAS 0 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | Y Eddy | Y Mathias | Y Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | A Sente |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | A Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 5

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 354
PROP TX--RETURN OF OVERPAYMENT
THIRD READING
PASSED

March 24, 2010

114 YEAS 0 NAYS 1 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | Y Eddy | Y Mathias | Y Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | A Sente |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | A Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | P Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 6

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5923
MUNI CD-INCORPORATION-VILLAGE
THIRD READING
PASSED

March 24, 2010

115 YEAS 0 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | Y Eddy | Y Mathias | Y Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | A Sente |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | A Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 7

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5329
OPEN MEETINGS-TRANSIT DISTRICT
THIRD READING
PASSED

March 24, 2010

96 YEAS 19 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | N Joyce | Y Reitz |
| Y Bassi | N DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | N Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | Y Eddy | Y Mathias | Y Saviano |
| Y Biggins | N Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | N Flider | N McAsey | A Sente |
| Y Bost | Y Flowers | Y McAuliffe | N Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | N Franks | Y Mell | A Stephens |
| Y Burke | N Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | N Miller | Y Thapedi |
| Y Carberry | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | N Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | N Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | N Mulligan | Y Verschoore |
| N Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | N Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | N Hatcher | Y Osterman | Y Watson |
| N Coulson | Y Hernandez | Y Phelps | Y Winters |
| N Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | N Reboletti | |

E - Denotes Excused Absence

NO. 8

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5513
FIRE SPRINKLER-REQUIREMENTS
THIRD READING
PASSED

March 24, 2010

115 YEAS 0 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | Y Eddy | Y Mathias | Y Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | A Sente |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | A Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 9

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5791
CRIME VICTIMS NOTIFICATION
THIRD READING
PASSED

March 24, 2010

115 YEAS 0 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | Y Eddy | Y Mathias | Y Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | A Sente |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | A Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 10

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5525
CRIM CD-PENAL-CONTRABAND
THIRD READING
PASSED

March 24, 2010

114 YEAS 1 NAY 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | Y Eddy | Y Mathias | Y Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | A Sente |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | A Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | N Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 11

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5571
FINANCE-TECH
THIRD READING
PASSED

March 24, 2010

116 YEAS 0 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | Y Eddy | Y Mathias | Y Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | Y Sente |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | A Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 12

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5972
CNTY CD-CODE HEARING UNIT
THIRD READING
PASSED

March 24, 2010

117 YEAS 0 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | Y Eddy | Y Mathias | Y Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | Y Sente |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | Y Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 13

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1578
CREDIT AGREEMENTS ACT-TECH
THIRD READING
PASSED

March 24, 2010

117 YEAS 0 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | Y Eddy | Y Mathias | Y Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | Y Sente |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | Y Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 14

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5555
LOCAL GOVERNMENT-TECH
THIRD READING
PASSED

March 24, 2010

90 YEAS 27 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | N Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | N DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | N Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | N Eddy | Y Mathias | Y Saviano |
| Y Biggins | N Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | N Senger |
| Y Boland | N Flider | N McAsey | N Sente |
| Y Bost | Y Flowers | Y McAuliffe | N Smith |
| Y Bradley | Y Ford | Y McCarthy | N Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | N Franks | Y Mell | Y Stephens |
| Y Burke | N Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | N Miller | N Thapedi |
| Y Carberry | Y Golar | N Mitchell, Bill | Y Tracy |
| N Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| N Chapa LaVia | N Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | N Mulligan | Y Verschoore |
| N Cole | Y Hamos | N Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | N Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | N Hatcher | Y Osterman | Y Watson |
| N Coulson | Y Hernandez | Y Phelps | Y Winters |
| N Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| N Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 15

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5671
MUNI CD-ANNEXATION-NOTICE
THIRD READING
PASSED

March 24, 2010

117 YEAS 0 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | Y Eddy | Y Mathias | Y Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | Y Sente |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | Y Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 16

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 6464
CRIMINAL LAW-TECH
THIRD READING
PASSED

March 24, 2010

117 YEAS 0 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | Y Eddy | Y Mathias | Y Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | Y Sente |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | Y Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 17

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5304
DHS-SUBST ABUSE-MENTAL HEALTH
THIRD READING
PASSED

March 24, 2010

117 YEAS 0 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | Y Eddy | Y Mathias | Y Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | Y Sente |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | Y Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 18

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5183
IDPH-EMS-CRITICAL CARE TRANSIT
THIRD READING
PASSED

March 24, 2010

86 YEAS 31 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | N Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | N DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | N Leitch | Y Rose |
| Y Bellock | N Durkin | Y Lyons | Y Sacia |
| Y Berrios | N Eddy | Y Mathias | Y Saviano |
| Y Biggins | N Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | N Senger |
| Y Boland | N Flider | N McAsey | N Sente |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | N Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| N Brauer | N Franks | Y Mell | N Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | N Miller | N Thapedi |
| Y Carberry | Y Golar | N Mitchell, Bill | Y Tracy |
| N Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| N Chapa LaVia | N Gordon, Jehan | Y Moffitt | Y Turner |
| N Coladipietro | Y Graham | N Mulligan | Y Verschoore |
| N Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | N Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| N Connelly | Y Hatcher | Y Osterman | N Watson |
| N Coulson | Y Hernandez | Y Phelps | Y Winters |
| N Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| N Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | N Ramey | |
| Y D'Amico | Y Jakobsson | N Reboletti | |

E - Denotes Excused Absence

NO. 19

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1946
AMENDMENT NO. 3 - TRYON
DISCHARGE COMMITTEE
SHALL THE RULING OF THE CHAIR BE SUSTAINED
PREVAILED

March 24, 2010

70 YEAS 47 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | N Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| N Bassi | Y DeLuca | N Kosel | Y Riley |
| N Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | N Leitch | N Rose |
| N Bellock | N Durkin | Y Lyons | N Sacia |
| Y Berrios | N Eddy | N Mathias | N Saviano |
| N Biggins | Y Farnham | Y Mautino | N Schmitz |
| N Black | Y Feigenholtz | Y May | N Senger |
| Y Boland | Y Flider | Y McAsey | Y Sente |
| N Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | N Sommer |
| N Brady | N Fortner | Y McGuire | Y Soto |
| N Brauer | Y Franks | Y Mell | N Stephens |
| Y Burke | Y Fritchey | Y Mendoza | N Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | N Mitchell, Bill | N Tracy |
| N Cavaletto | Y Gordon, Careen | N Mitchell, Jerry | N Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | N Moffitt | Y Turner |
| N Coladipietro | Y Graham | N Mulligan | Y Verschoore |
| N Cole | Y Hamos | N Myers | N Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | N Osmond | Y Washington |
| N Connelly | N Hatcher | Y Osterman | N Watson |
| N Coulson | Y Hernandez | Y Phelps | N Winters |
| Y Crespo | Y Hoffman | N Pihos | Y Yarbrough |
| N Cross | Y Holbrook | N Poe | Y Zalewski |
| N Cultra | Y Howard | N Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | N Ramey | |
| Y D'Amico | Y Jakobsson | N Reboletti | |

E - Denotes Excused Absence

NO. 20

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1946
PEN CD-SERS-LEAVE OF ABSENCE
THIRD READING
PASSED

March 24, 2010

92 YEAS 17 NAYS 7 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | NV Reis |
| Y Arroyo | N Davis, William | Y Joyce | P Reitz |
| Y Bassi | Y DeLuca | Y Kosel | N Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | N Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Sacia |
| Y Berrios | P Eddy | Y Mathias | P Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| N Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | Y Sente |
| P Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| N Brady | Y Fortner | Y McGuire | Y Soto |
| N Brauer | Y Franks | Y Mell | Y Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | N Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | N Mitchell, Bill | Y Tracy |
| N Cavaletto | N Gordon, Careen | P Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | N Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | P Verschoore |
| Y Cole | Y Hamos | N Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | N Watson |
| Y Coulson | Y Hernandez | N Phelps | Y Winters |
| Y Crespo | N Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | N Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | N Jackson | P Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 21

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5783
HAIR BRAIDER-LICENSING
THIRD READING
PASSED

March 24, 2010

95 YEAS 20 NAYS 1 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | N Davis, Monique | Y Jefferson | N Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | N Leitch | Y Rose |
| Y Bellock | Y Durkin | E Lyons | N Sacia |
| Y Berrios | N Eddy | Y Mathias | Y Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| Y Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | Y Sente |
| Y Bost | N Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | N Sommer |
| N Brady | Y Fortner | Y McGuire | Y Soto |
| N Brauer | N Franks | P Mell | Y Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | N Mitchell, Bill | N Tracy |
| N Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | Y Verschoore |
| N Cole | Y Hamos | N Myers | Y Wait |
| N Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | N Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | N Poe | Y Zalewski |
| N Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| N D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 22

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1182
$COGFA
THIRD READING
PASSED

March 24, 2010

115 YEAS 1 NAY 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | E Lyons | Y Sacia |
| Y Berrios | Y Eddy | Y Mathias | Y Saviano |
| Y Biggins | Y Farnham | Y Mautino | Y Schmitz |
| N Black | Y Feigenholtz | Y May | Y Senger |
| Y Boland | Y Flider | Y McAsey | Y Sente |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | Y Stephens |
| Y Burke | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burns | Y Froehlich | Y Miller | Y Thapedi |
| Y Carberry | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | Y Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| A Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

## 119TH LEGISLATIVE DAY

### Perfunctory Session

### WEDNESDAY, MARCH 24, 2010

At the hour of 7:55 o'clock p.m., the House convened perfunctory session.

## SENATE RESOLUTIONS

The following Senate Joint Resolution, received from the Senate, were read by the Clerk and referred to the Committee on Rules: SENATE JOINT RESOLUTION 105 (Moffitt) and 107 (Rose).

## SENATE BILL ON FIRST READING

Having been reproduced, the following bill was taken up, read by title a first time and placed in the Committee on Rules: SENATE BILL 3616 (Mathias).

## TEMPORARY COMMITTEE ASSIGNMENTS

Representative Reitz replaced Representative Hamos in the Committee on Environmental Health on March 24, 2010.

Representative Reitz replaced Representative Rita in the Committee on Environmental Health on March 24, 2010.

Representative Schmitz replaced Representative Pritchard in the Committee on Elementary & Secondary Education on March 24, 2010.

Representative Ford replaced Representative Beiser in the Committee on Aging on March 24, 2010.

Representative Schmitz replaced Representative Winters in the Committee on Electric Generation & Commerce on March 24, 2010.

Representative Connelly replaced Representative Osmond in the Committee on Electric Generation & Commerce on March 24, 2010.

Representative Dugan replaced Representative Phelps in the Committee on Electric Generation & Commerce on March 24, 2010.

Representative Monique Davis replaced Representative Holbrook in the Committee on Electric Generation & Commerce on March 24, 2010.

Representative DeLuca replaced Representative Crespo in the Committee on Consumer Protection on March 24, 2010.

Representative William Davis replaced Representative Hernandez in the Committee on Consumer Protection on March 24, 2010.

Representative Chapa LaVia replaced Representative Farnham in the Committee on Consumer Protection on March 24, 2010.

Representative Mendoza replaced Representative Jefferson in the Committee on Consumer Protection on March 24, 2010.

## REPORTS FROM STANDING COMMITTEES

Representative Flider, Chairperson, from the Committee on Electric Generation & Commerce to which the following were referred, action taken on March 24, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 3 to HOUSE BILL 5147.

The committee roll call vote on Amendment No. 3 to House Bill 5147 is as follows:

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

Y Flider(D), Chairperson
Y Schmitz(R) (replacing Winters)
A Cultra(R)
Y Fortner(R)
Y Connelly(R) (replacing Osmond)
A Verschoore(D)
Y Reitz(D), Vice-Chairperson
Y Crespo(D)
Y Durkin(R)
Y Davis, M(D) (replacing Holbrook)
Y Dugan(D) (replacing Phelps)

Representative Fritchey, Chairperson, from the Committee on Judiciary I - Civil Law to which the following were referred, action taken on March 24, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 5409.
Amendment No. 2 to HOUSE BILL 5735.

The committee roll call vote on Amendment No. 1 to House Bill 5409 and Amendment No. 2 to House Bill 5735 is as follows:

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

Y Fritchey(D), Chairperson
Y Rose(R), Republican Spokesperson
Y Connelly(R)
Y Franks(D) (replacing Hamos)
Y Lang(D)
Y Nekritz(D)
Y Thapedi(D)
Y Wait(R)
Y Bradley(D), Vice-Chairperson
Y Coladipietro(R)
Y Gordon, Careen(D)
Y Hoffman(D)
Y Mathias(R)
Y Osmond(R)
Y Tracy(R)
Y Zalewski(D)

Representative Colvin, Chairperson, from the Committee on Consumer Protection to which the following were referred, action taken on March 24, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to HOUSE BILL 6252.

The committee roll call vote on Amendment No. 2 to House Bill 6252 is as follows:

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

Y Colvin(D), Chairperson
Y Sullivan(R), Republican Spokesperson
A Bost(R)
Y Chapa LaVia(D) (replacing Farnham)
Y Davis, W(D) (replacing Hernandez)
Y Pihos(R)
Y Rita(D)
Y Jackson(D), Vice-Chairperson
Y Beaubien(R)
Y DeLuca(D) (replacing Crespo)
Y Graham(D)
Y Mendoza(D) (repalcing Jefferson)
Y Ramey(R)
Y Tracy(R)

Representative Washington, Chairperson, from the Committee on Aging to which the following were referred, action taken on March 24, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 2 to HOUSE BILL 5869.

The committee roll call vote on Amendment No. 2 to House Bill 5869 is as follows:

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

Y Washington(D), Chairperson
Y Pihos(R), Republican Spokesperson
A Cavaletto(R)
A D'Amico(D)
Y Franks(D)
Y Hatcher(R)
A Lyons(D)
Y McGuire(D)
A Mitchell, Bill(R)
Y Sente(D)
Y Ford(D) (replacing Beiser)
A Biggins(R)
A Coladipietro(R)
Y Farnham(D)
Y Harris(D)
A Jefferson(D)
Y McAsey(D)
Y Mell(D)
A Saviano(R)
A Tracy(R)

Representative May, Chairperson, from the Committee on Environmental Health to which the following were referred, action taken on March 24, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendments Numbered 2 and 3 to HOUSE BILL 5040.

Amendment No. 1 to HOUSE BILL 5224.

The committee roll call vote on Amendments Numbered 2 and 3 to House Bill 5040 is as follows:

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

Y May(D), Chairperson
A Tracy(R), Republican Spokesperson
A Hamos(D)
Y Nekritz(D)
A Rose(R)
A Stephens(R)
Y Winters(R)
A McCarthy(D), Vice-Chairperson
Y Froehlich(D)
Y Jakobsson(D)
Y Reitz(D) (replacing Rita)
A Schmitz(R)
Y Tryon(R)
Y Yarbrough(D)

The committee roll call vote on Amendment No. 1 to House Bill 5224 is as follows:

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

Y May(D), Chairperson
A Tracy(R), Republican Spokesperson
Y Reitz(D) (replacing Hamos)
Y Nekritz(D)
A Rose(R)
A Stephens(R)
Y Winters(R)
A McCarthy(D), Vice-Chairperson
Y Froehlich(D)
Y Jakobsson(D)
Y Rita(D)
A Schmitz(R)
A Tryon(R)
Y Yarbrough(D)

Representative Smith, Chairperson, from the Committee on Elementary & Secondary Education to which the following were referred, action taken on March 24, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 1 to HOUSE BILL 6065.

Amendment No. 2 to HOUSE BILL 6419.

The committee roll call vote on Amendment No. 1 to House Bill 6065 is as follows:

12, Yeas; 1, Nay; 2, Answering Present.

Y Smith(D), Chairperson
Y Mitchell, Jerry(R), Republican Spokesperson
Y Cavaletto(R)
Y Davis, Monique(D)
Y Eddy(R)
A Froehlich(D)
A Miller(D)
A Pihos(R)
Y Reis(R)
Y Watson(R)
Y Crespo(D), Vice-Chairperson
N Bassi(R)
P Colvin(D)
Y Dugan(D)
Y Flider(D)
P Golar(D)
A Harris(D) (replacing Osterman)
Y Schmitz(R) (replacing Pritchard)
Y Senger(R)
A Davis, W(D) (replacing Yarbrough)

The committee roll call vote on Amendment No. 2 to House Bill 6419 is as follows: 19, Yeas; 1, Nay; 0, Answering Present.

Y Smith(D), Chairperson
Y Mitchell, Jerry(R), Republican Spokesperson
Y Cavaletto(R)
Y Davis, Monique(D)
Y Eddy(R)
Y Froehlich(D)
Y Miller(D)
Y Pihos(R)
Y Reis(R)
Y Watson(R)
Y Crespo(D), Vice-Chairperson
Y Bassi(R)
Y Colvin(D)
Y Dugan(D)
N Flider(D)
Y Golar(D)
Y Harris(D) (replacing Osterman)
Y Schmitz(R) (replacing Pritchard)
Y Senger(R)
Y Davis, W(D) (replacing Yarbrough)

At the hour of 7:58 o'clock p.m., the House Perfunctory Session adjourned.