

**STATE OF ILLINOIS**



# **HOUSE JOURNAL**

**HOUSE OF REPRESENTATIVES**

**NINETY-SIXTH GENERAL ASSEMBLY**

**120TH LEGISLATIVE DAY**

**REGULAR & PERFUNCTORY SESSION**

**THURSDAY, MARCH 25, 2010**

**10:05 O'CLOCK A.M.**

**HOUSE OF REPRESENTATIVES  
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120th Legislative Day**

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The House met pursuant to adjournment.

Representative Mautino in the chair.

Prayer by Pastor Steve Ziegler, who is with First United Methodist & Congregational Church of West Chicago in West Chicago, IL.

Representative Sacia led the House in the Pledge of Allegiance.

By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:

115 present. (ROLL CALL 1)

By unanimous consent, Representatives Hannig and Stephens were excused from attendance. At the hour of 4:42 o'clock p.m., by unanimous consent, Representative Biggins was excused from attendance for the remainder of the day. At the hour of 5:05 o'clock p.m., by unanimous consent, Representative Schmitz was excused from attendance for the remainder of the day.

## **REPORTS**

The Clerk of the House acknowledges receipt of the following correspondence:

Illinois Deaf and Hard of Hearing Commission's 2009 Annual Report For Fiscal Year July 1, 2008 - June 30, 2009, submitted by Illinois Deaf and Hard of Hearing Commission on March 23, 2010.

The Proof is in the Pavement 2009 Annual Report, submitted by Illinois Tollway on March 23, 2010.

## **TEMPORARY COMMITTEE ASSIGNMENTS FOR COMMITTEES NOT REPORTING**

Representative Schmitz replaced Representative Pritchard in the Committee on Elementary & Secondary Education on March 25, 2010.

Representative Beaubien replaced Representative Tryon in the Committee on Environmental Health on March 25, 2010.

Representative Osmond replaced Representative Schmitz in the Committee on Environmental Health on March 25, 2010.

Representative Stephens replaced Representative Bassi in the Committee on Environmental Health on March 25, 2010.

Representative Reis replaced Representative Tryon in the Committee on Executive on March 25, 2010.

Representative Golar replaced Representative Turner in the Committee on Executive on March 25, 2010.

Representative Monique Davis replaced Representative Acevedo in the Committee on Executive on March 25, 2010.

## **TEMPORARY COMMITTEE ASSIGNMENTS**

Representative Mautino replaced Representative Turner in the Committee on Rules on March 25, 2010.

Representative Bassi replaced Representative Schmitz in the Committee on Rules on March 25, 2010.

Representative Phelps replaced Representative Currie in the Committee on Rules on March 25, 2010.



Representative Reitz replaced Representative Jefferson in the Committee on Public Utilities on March 25, 2010.

Representative Verschoore replaced Representative Thapedi in the Committee on Public Utilities on March 25, 2010.

Representative Phelps replaced Representative Franks in the Committee on Public Utilities on March 25, 2010.

Representative McAuliffe replaced Representative Saviano in the Committee on Public Utilities on March 25, 2010.

Representative Kosel replaced Representative Hatcher in the Committee on Vehicles & Safety on March 25, 2010.

Representative Wait replaced Representative Reboletti in the Committee on Vehicles & Safety on March 25, 2010.

Representative Turner replaced Representative Collins in the Committee on Judiciary II - Criminal Law on March 25, 2010.

Representative Harris replaced Representative Zalewski in the Committee on Revenue & Finance on March 25, 2010.

Representative McAsey replaced Representative Currie in the Committee on Revenue & Finance on March 25, 2010.

Representative Mell replaced Representative Mautino in the Committee on Revenue & Finance on March 25, 2010.

Representative Turner replaced Representative Dunkin in the Committee on Insurance on March 25, 2010.

Representative Chapa LaVia replaced Representative Berrios in the Committee on Insurance on March 25, 2010.

Representative Zalewski replaced Representative Crespo in the Committee on State Government Administration on March 25, 2010.

Representative Harris replaced Representative McAsey in the Committee on State Government Administration on March 25, 2010.

Representative Myers replaced Representative Mulligan in the Committee on Business & Occupational Licenses on March 25, 2010.

Representative Berrios replaced Representative Fritchey in the Committee on Business & Occupational Licenses on March 25, 2010.

Representative Brady replaced Representative Coulson in the Committee on Business & Occupational Licenses on March 25, 2010.

### REPORTS FROM THE COMMITTEE ON RULES

Representative Phelps, replacing Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on March 25, 2010, 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 4779.

#### LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Environment & Energy: HOUSE AMENDMENT No. 2 to HOUSE BILL 6439.  
Environmental Health: HOUSE AMENDMENT No. 1 to HOUSE BILL 5596.  
Executive: HOUSE AMENDMENT No. 2 to HOUSE BILL 4664.

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

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

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

### REPORTS FROM STANDING COMMITTEES

Representative Golar, Chairperson, from the Committee on Medicaid Reform, Family & Children Services to which the following were referred, action taken on March 25, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":  
Amendment No. 1 to HOUSE BILL 5242.

The committee roll call vote on Amendment No. 1 to House Bill 5242 is as follows:  
7, Yeas; 0, Nays; 0, Answering Present.

Y Bellock(R), Chairperson	Y Hernandez(D), Vice-Chairperson
Y Mulligan(R), Republican Spokesperson	Y Beaubien(R)
A Dugan(D)	A Flowers(D)
Y Golar(D)	Y Kosel(R)
A Nekritz(D)	Y Watson(R)

Representative Monique Davis, Chairperson, from the Committee on Insurance to which the following were referred, action taken on March 25, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":  
Amendment No. 2 to HOUSE BILL 5630.  
Amendment No. 3 to SENATE BILL 660.

The committee roll call vote on Amendment No. 2 to House Bill 5630 is as follows:  
14, Yeas; 0, Nays; 0, Answering Present.

Y Davis, Monique(D), Chairperson	A Yarbrough(D), Vice-Chairperson
Y Watson(R), Republican Spokesperson	A Beaubien(R)
Y Chapa LaVia(D) (replacing Berrios)	Y Brady(R)
A Colvin(D)	Y Turner(D) (replacing Dunkin)
A Feigenholtz(D)	Y Ford(D)

Y Fritchey(D)	A Gordon, Careen(D)
Y Harris(D)	A Lang(D)
Y Leitch(R)	A Mautino(D)
Y Mell(D)	A Mitchell, Bill(R)
Y Osmond(R)	Y Pritchard(R)
Y Rose(R)	Y Senger(R)
A Stephens(R)	

The committee roll call vote on Amendment No. 3 to Senate Bill 660 is as follows:  
13, Yeas; 0, Nays; 0, Answering Present.

Y Davis, Monique(D), Chairperson	A Yarbrough(D), Vice-Chairperson
Y Watson(R), Republican Spokesperson	A Beaubien(R)
Y Chapa LaVia(D) (replacing Berrios)	Y Brady(R)
A Colvin(D)	Y Turner(D) (replacing Dunkin)
A Feigenholtz(D)	Y Ford(D)
Y Fritchey(D)	A Gordon, Careen(D)
Y Harris(D)	A Lang(D)
A Leitch(R)	A Mautino(D)
Y Mell(D)	A Mitchell, Bill(R)
Y Osmond(R)	Y Pritchard(R)
Y Rose(R)	Y Senger(R)
A Stephens(R)	

Representative Reitz, Chairperson, from the Committee on Health Care Licenses to which the following were referred, action taken on March 25, 2010, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 4935.

The committee roll call vote on House Bill 4935 is as follows:  
9, Yeas; 1, Nay; 0, Answering Present.

Y Reitz(D), Chairperson	Y Phelps(D), Vice-Chairperson
Y Saviano(R), Republican Spokesperson	N Coulson(R)
A Harris(D)	Y Jackson(D)
Y Kosel(R)	Y McAuliffe(R)
Y McCarthy(D)	A Miller(D)
Y Mulligan(R)	Y Verschoore(D)

Representative Dugan, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on March 25, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":  
Amendment No. 1 to HOUSE BILL 5590.  
Amendment No. 2 to HOUSE BILL 6416.

That the resolution be reported "recommends be adopted" and be placed on the House Calendar:  
HOUSE RESOLUTION 1020.

The committee roll call vote on Amendment No. 1 to House Bill 5590, Amendment No. 1 to House Bill 6416, and House Resolution 1020 is as follows:

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

Y Franks(D), Chairperson	Y Dugan(D), Vice-Chairperson
Y Wait(R), Republican Spokesperson	Y Bassi(R)
A Boland(D)	Y Bost(R)
Y Burns(D)	A Collins(D)

Y Zalewski(D) (replacing Crespo)  
 Y Farnham(D)  
 Y Harris(D) (replacing McAsey)  
 Y Myers(R)  
 Y Ramey(R)

Y Davis, Monique(D)  
 A Froehlich(D)  
 Y Moffitt(R)  
 Y Poe(R)

Representative Howard, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on March 25, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 1 to HOUSE BILL 4598.

Amendment No. 4 to HOUSE BILL 6234.

The committee roll call vote on Amendment No. 1 to House Bill 4598 is as follows:

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

Y Howard(D), Chairperson  
 Y Reboletti(R), Republican Spokesperson  
 N McAsey(D)  
 A Wait(R)

Y Turner(D)(replacing Collins)  
 Y Golar(D)  
 Y Sacia(R)

The committee roll call vote on Amendment No. 4 to House Bill 6234 is as follows:

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

Y Howard(D), Chairperson  
 Y Reboletti(R), Republican Spokesperson  
 Y McAsey(D)  
 Y Wait(R)

Y Turner(D)(replacing Collins)  
 Y Golar(D)  
 Y Sacia(R)

Representative D'Amico, Chairperson, from the Committee on Vehicles & Safety to which the following were referred, action taken on March 25, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 1 to HOUSE BILL 5675.

The committee roll call vote on Amendment No. 1 to House Bill 5675 is as follows:

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

Y D'Amico(D), Chairperson  
 Y Tracy(R), Republican Spokesperson  
 Y Kosel(R) (replacing Hatcher)

A Joyce(D), Vice-Chairperson  
 Y Beiser(D)  
 Y Wait(R) (replacing Reboletti)

Representative Bradley, Chairperson, from the Committee on Revenue & Finance to which the following were referred, action taken on March 25, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 2 to HOUSE BILL 6241.

Amendments numbered 2, 3, 4 and 5 to SENATE BILL 642.

The committee roll call vote on Amendment No. 2 to House Bill 6241 is as follows:

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

Y Bradley(D), Chairperson  
 Y Biggins(R), Republican Spokesperson  
 A Beaubien(R)  
 N McAsey(D) (replacing Currie)  
 Y Ford(D)

A Mautino(D), Vice-Chairperson  
 A Bassi(R)  
 Y Chapa LaVia(D)  
 Y Eddy(R)  
 A Gordon, Careen(D)



Y Rita(D), Chairperson	Y Berrios(D) (replacing Fritchey)
Y Brady(R) (replacing Coulson)	Y Acevedo(D)
Y Arroyo(D)	A Beiser(D)
A Burke(D)	Y Coladipietro(R)
A Connelly(R)	Y DeLuca(D)
Y Holbrook(D)	Y McAuliffe(R)
A Miller(D)	Y Mitchell, Bill(R)
Y Myers(R) (replacing Mulligan)	Y Saviano(R)

Representative Collins, Chairperson, from the Committee on Public Utilities to which the following were referred, action taken on March 25, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 2 to HOUSE BILL 5879.

The committee roll call vote on Amendment No. 2 to House Bill 5879 is as follows:

8, Yeas; 0, Nays; 3, Answering Present.

Y Collins(D), Chairperson	Y Holbrook(D), Vice-Chairperson
Y Bost(R), Republican Spokesperson	P Arroyo(D)
A Coladipietro(R)	A Connelly(R)
P Crespo(D)	Y Durkin(R)
Y Phelps(D) (replacing Franks)	Y Reitz(D) (replacing Jefferson)
P Mendoza(D)	Y McAuliffe(R) (replacing Saviano)
A Sullivan(R)	Y Verschoore(D) (replacing Thapedi)

#### **MOTIONS SUBMITTED**

Representative Black 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 BILL 6622 and advance to the order of Second Reading - Standard Debate.

Representative Black 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 6748 passed in the House on March 25, 2010.

#### **STATE MANDATES FISCAL NOTE REQUEST WITHDRAWN**

Representative Fritchey withdrew his request for a State Mandates Fiscal Note on HOUSE BILL 5214, as amended.

#### **JUDICIAL NOTE REQUEST WITHDRAWN**

Representative Fritchey withdrew his request for a Judicial Note on HOUSE BILL 5214, as amended.

#### **REQUEST FOR FISCAL NOTES**

Representative Black requested that Fiscal Notes be supplied for HOUSE BILL 5869, as amended, and SENATE BILL 3267.

Representative May requested that a Fiscal Note be supplied for HOUSE BILL 5180, as amended.

Representative Schmitz requested that a Fiscal Note be supplied for HOUSE BILL 5279.

#### **REQUEST FOR STATE MANDATES FISCAL NOTE**

Representative Schmitz requested that a State Mandates Fiscal Note be supplied for HOUSE BILL 5279.

#### **JUDICIAL NOTES SUPPLIED**

Judicial Notes have been supplied for HOUSE BILLS 4781, as amended, and 5301.

#### **HOUSING AFFORDABILITY IMPACT NOTE SUPPLIED**

A Housing Affordability Impact Note has been supplied for 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 passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 3152

A bill for AN ACT concerning local government.

SENATE BILL NO. 3266

A bill for AN ACT concerning education.

SENATE BILL NO. 3267

A bill for AN ACT concerning aging.

SENATE BILL NO. 3344

A bill for AN ACT concerning safety.

Passed by the Senate, March 24, 2010.

Jillayne Rock, Secretary of the Senate

The foregoing SENATE BILLS 3152, 3266, 3267 and 3344 were ordered reproduced and placed on the appropriate order of business.

A message from the Senate by

Ms. Rock, Secretary:

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

SENATE BILL NO. 2812

A bill for AN ACT concerning safety.

SENATE BILL NO. 2996

A bill for AN ACT concerning financial regulation.

SENATE BILL NO. 3619

A bill for AN ACT concerning local government.  
SENATE BILL NO. 3702  
A bill for AN ACT concerning State government.  
Passed by the Senate, March 24, 2010.

Jillayne Rock, Secretary of the Senate

The foregoing SENATE BILLS 2812, 2996, 3619 and 3702 were ordered reproduced and placed on the appropriate order of business.

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. 89  
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 concurred with the House in the adoption of their amendments to a bill of the following title, to-wit:  
SENATE BILL NO. 1946  
A bill for AN ACT concerning public employee benefits.  
House Amendment No. 1 to SENATE BILL NO. 1946.  
House Amendment No. 4 to SENATE BILL NO. 1946.  
Action taken 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. 81

WHEREAS, Illinois' community financial institutions provide the local support our communities need to prosper and grow; and

WHEREAS, With more than \$130 billion in assets, community banks know that when money stays in communities it becomes a renewable resource, creating an economic cycle that constantly revitalizes and stimulates local communities; and

WHEREAS, These banks have made significant contributions to the economic well-being of the communities they serve through their financial support, their dedication as good neighbors, and above all, their service as financially sound and reliable sources of economic lifeblood in our communities; and

WHEREAS, Park National Bank, a subsidiary of FBOP Corp., was a model community bank that successfully provided the quality services, access to capital, and commitment to community reinvestment that all financial institutions should provide, such as creating jobs for local residents; investing in new schools, start-up businesses, and affordable housing; supporting the work of local non-profit and cultural organizations; and exemplifying innovation, fairness, and flexibility; and



WHEREAS, On October 30, 2009, after FBOP Corp.'s request for \$500 million in Troubled Asset Relief Program assistance was denied, the Federal Deposit Insurance Corporation seized the assets of Park National Bank; and

WHEREAS, The closure of this bank came hours after Treasury Secretary Timothy Geithner attended a ceremony in Chicago that awarded Park National Bank \$50 million in tax credits to help spur community-development projects in low-income communities; and

WHEREAS, The rules of the FDIC create a double standard that harms our communities because community banks are seized and sold, even though the Treasury Secretary says Park National Bank is doing all the right things to help turn itself around; and

WHEREAS, Other community banks that make the spirit and letter of the Community Reinvestment Act their core mission may be in jeopardy; and

WHEREAS, A coalition of church and community leaders from across Chicago's neighborhoods have taken the initiative to raise awareness about the FDIC's actions against Park National Bank; the Coalition's initial steps have included conducting research on the impact that the FDIC's seizure of Park National Bank will have on minority lending and mortgage foreclosures in the community; developing a petition drive calling for a Congressional Hearing investigating the FDIC's actions and the apparent lack of federal aid for a model community bank, and holding a Community Town Hall Meeting; and

WHEREAS, For community banks to continue being an integral part in the development of our communities and this State as a whole, the federal government needs to consider reforms to assist and preserve community banks; 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 United States House of Representatives Financial Services Committee and the United States Senate Committee on Banking, Housing, and Urban Affairs to continue hearings to investigate the FDIC's seizure of Park National Bank for the impacts that this action will have on the communities that Park National Bank has served so well, and the wider implications for the future of community banking; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the members of the Illinois congressional delegation, United States Representative Barney Frank, and United States Senator Christopher Dodd.

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 passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 3800

A bill for AN ACT concerning criminal law.  
Passed by the Senate, March 25, 2010.

Jillayne Rock, Secretary of the Senate

The foregoing SENATE BILL 3800 was ordered reproduced and placed on the appropriate order of business.

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

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

SENATE BILL NO. 2494

A bill for AN ACT concerning education.

SENATE BILL NO. 3522

A bill for AN ACT concerning education.

SENATE BILL NO. 3797

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 3803

A bill for AN ACT concerning transportation.

Passed by the Senate, March 25, 2010.

Jillayne Rock, Secretary of the Senate

The foregoing SENATE BILLS 2494, 3522, 3797 and 3803 were ordered reproduced and placed on the appropriate order of business.

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 their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 1182

A bill for AN ACT concerning appropriations.

House Amendment No. 2 to SENATE BILL NO. 1182.

Action taken by the Senate, March 25, 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 concurred with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 1578

A bill for AN ACT concerning business.

House Amendment No. 1 to SENATE BILL NO. 1578.

Action taken by the Senate, March 25, 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 passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 935

A bill for AN ACT concerning transportation.

SENATE BILL NO. 3796

A bill for AN ACT concerning transportation.

Passed by the Senate, March 25, 2010.

Jillayne Rock, Secretary of the Senate

The foregoing SENATE BILLS 935 and 3796 were ordered reproduced and placed on the appropriate order of business.

### CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Feigenholtz was removed as principal sponsor, and Representative Coulson became the new principal sponsor of HOUSE BILL 5076.

With the consent of the affected members, Representative Feigenholtz was removed as principal sponsor, and Representative Lyons became the new principal sponsor of HOUSE BILL 5766.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Coladipietro became the new principal sponsor of HOUSE BILL 5578.

With the consent of the affected members, Representative Graham was removed as principal sponsor, and Representative Yarbrough became the new principal sponsor of SENATE BILL 3467.

With the consent of the affected members, Representative Bellock was removed as principal sponsor, and Representative Mathias became the new principal sponsor of HOUSE RESOLUTION 1075.

### HOUSE RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

#### HOUSE RESOLUTION 1057

Offered by Representative Bellock:

WHEREAS, The conviction of former Governor George Ryan and the arrest and pending trial of former Governor Rod Blagojevich have caused a crisis of confidence of Illinois citizens and taxpayers in their government; and

WHEREAS, Former Governor Rod Blagojevich was accused of, among other things, corruption involving patronage hiring, awarding of State contracts, making of board and commission appointments, and other abuses of State power; and

WHEREAS, The decisions of State government, boards, and commissions were often based on the level of campaign contributions and not on the best interests of the taxpayers; and

WHEREAS, The State budget deficit is estimated at over \$13 billion and liabilities are estimated to total over \$120 billion including pension debt, yet there are varying reports of how many programs the State runs, how many special funds exist, and what the precise amount of the deficit is; and

WHEREAS, The State of Illinois ranks 48th in job growth and economic vitality, has had a net loss of over 700 manufacturing firms in the last year, and has had a population outflow of 735,000 people in the last decade due to loss of confidence in State government; and

WHEREAS, A forensic audit is a thorough and evidentiary audit that can identify corrupt practices that have occurred and provide the basis for prosecution of those who engaged in those practices; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Auditor General is directed pursuant to Section 3-2 of the Illinois State Auditing Act to conduct a forensic audit of all State spending, hiring, procurement, and contracts awarded and the appointment of board and commission officials and decisions made by boards and commissions or those with procurement or hiring authority during the Blagojevich administration, specifically all expenditures and actions from January 1, 2001 to January 1, 2010; and be it further

RESOLVED, That the Auditor General commence this forensic audit as soon as possible and report the findings and recommendations upon completion in accordance with the Illinois State Auditing Act; and be it further

RESOLVED, That the Office of the Governor shall provide all needed information and, if necessary, the House of Representatives shall issue any needed subpoenas that the Auditor General deems necessary; and be it further

RESOLVED, That a commission of 6 individuals equally divided between Republican members

(appointed by the House Republican Minority Leader) and Democrat members (appointed by the Speaker of the House) shall be appointed to oversee the effort; and be it further

RESOLVED, That the Auditor General, upon finding any incident of suspected corruption, shall file a complaint to the Executive Inspector General or other appropriate Inspector General to be referred for further investigation and possible prosecution; and be it further

RESOLVED, That a copies of this resolution be delivered to the Auditor General and the Governor.

#### HOUSE RESOLUTION 1058

Offered by Representative Fritchey:

WHEREAS, Horses bound for slaughter are shipped, frequently for long distances, in a manner that fails to accommodate their unique temperament; they are often not rested, fed, or watered during travel; and

WHEREAS, The Animal Welfare Institute reported that 92.3 percent of horses arriving at slaughter plants in this country in recent years were deemed to be in "good" condition, according to the U.S. Department of Agriculture's Guidelines for Handling and Transporting Equines to Slaughter; and

WHEREAS, The horse slaughter industry makes a greater profit off of healthy horses and therefore purposely seeks out such animals; and

WHEREAS, Hundreds of horse rescue organizations operate around the country, and additional facilities are being established to accommodate horses, while sick and elderly horses may be euthanized by a licensed veterinarian; and

WHEREAS, A federal law prohibiting horse slaughter is imperative to ensure slaughterhouses are not allowed to relocate to states with weaker laws and to prevent horses from being exported en masse for slaughter in other countries; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we respectfully urge all members of the Illinois Congressional delegation to oppose the continuation of horse slaughter in the United States; and be it further

RESOLVED, That we respectfully urge the Congress of the United States to oppose new horse slaughter facilities on both the state and national level; and be it further

RESOLVED, That we respectfully urge the United States House of Representatives and Senate to support H.R. 503 and S. 727 of the 111th Congress and to oppose the slaughter of horses for human consumption and the domestic and international transport of live horses or horseflesh for human consumption; and be it further

RESOLVED, That copies of this resolution be sent to each member of the Illinois Congressional delegation, the Majority Leader of the United States Senate, and the Speaker of the United States House of Representatives.

#### HOUSE RESOLUTION 1061

Offered by Representative Franks:

WHEREAS, In 2006, the State of Illinois enacted a law to allow the use of red light cameras at intersections; and

WHEREAS, The General Assembly's intent when considering the law was ensuring greater public safety, reducing the number of motor vehicle collisions, and maintaining the safety of pedestrians in areas with heavy foot traffic, namely the City of Chicago; and

WHEREAS, The use of red light cameras has become increasingly common throughout Chicago, suburban Chicago, and the collar counties; fines that are issued based upon red light camera photographs are not regulated or capped; and

WHEREAS, The lack of standards regarding red light cameras and numerous testimonials from citizens have brought into question the effectiveness and accuracy of the cameras in serving their intended purpose of public safety, as some studies have shown an increase in rear-end collisions at intersections; proponents of the cameras maintain that it is impossible to quantify the number of accidents that have been prevented by the use of the cameras; and

WHEREAS, The City of Chicago maintains the opinion that the cameras are an important traffic enforcement tool that helps maintain the safety of pedestrians, as the City of Chicago supports heavier foot

traffic than any other area of the State; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge all counties and municipalities utilizing red light cameras to limit the use of the cameras unless a need for greater public safety is documented at the intersections and encourage all counties and municipalities using red light cameras to hold the original intent of the General Assembly in high regard, and not use the cameras as a way to increase revenue, by limiting fines to \$50 and limiting fines issued for legal right turns on red lights.

#### HOUSE RESOLUTION 1063

Offered by Representative Dugan:

WHEREAS, The number of people over the age of 60 in the State of Illinois is projected to increase by 87% from 1,966,236 in 2000 to 3,676,295 in 2030 - 1 in every 5 Illinoisans; and

WHEREAS, It has been determined that the elderly population can be vulnerable to abuse, including financial exploitation; and

WHEREAS, The House finds that the State should work in conjunction with the Aging community and financial institutions to protect our elderly citizens (persons 60 or more years of age) from possible financial exploitation; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Department on Aging, in cooperation with the Area Agencies on Aging and Elder Abuse and Neglect Provider Agencies, and in accordance with this resolution, shall assist financial institutions in their efforts to mitigate and prevent financial exploitation of the elderly by making staff training resources addressing financial exploitation recognition, deterrence, and reporting channels and customer awareness materials regarding the Department on Aging's financial exploitation hotline available to financial institutions; and be it further

RESOLVED, That the Department on Aging, in cooperation with the Area Agencies on Aging and Elder Abuse and Neglect Provider Agencies, shall develop a specialized elder abuse training curriculum, in in-person and online versions, to be made available to financial institutions and their trade associations to aid in the training of a variety of financial institution employees and professionals, with an emphasis on tellers and customer service representatives, and on determining the existence of financial exploitation of elderly customers; the curriculum should include modules on prevention mechanisms, recognition factors, intervention options, confidentiality, and other legal issues concerning the financial exploitation of an elderly customer; and be it further

RESOLVED, That the Department on Aging, in cooperation with the Area Agencies on Aging and Elder Abuse and Neglect Provider Agencies, shall develop a specialized roster of qualified professionals available to aid in the training of a variety of financial institution employees and professionals regarding financial exploitation prevention mechanisms, recognition factors, intervention options, confidentiality, and other legal issues, as well as reporting channels in the event of suspected financial exploitation of an elderly customer; and be it further

RESOLVED, That the Department on Aging, in cooperation with the Area Agencies on Aging and Elder Abuse and Neglect Provider Agencies, shall provide posters, handouts, and materials intended for use by direct customer contact staff; and be it further

RESOLVED, That one year after the training materials are made available, the Department on Aging shall undertake a study of reports of suspected financial exploitation of the elderly made during the immediate prior year, an analysis of trends, and the development of statistical data regarding reports that were made by depository institutions to the Illinois Elder Abuse and Neglect program, and recommendations regarding financial abuse of the elderly in Illinois; and be it further

RESOLVED, That a copy of this resolution be presented to the Director of the Department on Aging.

#### HOUSE JOINT RESOLUTION 113

Offered by Representative Eddy:

WHEREAS, Social Security coverage has never been available for the vast majority of members in the State-funded pension systems; and

WHEREAS, Seventy-eight percent of participants in Illinois' public pension systems do not receive

Social Security; and

WHEREAS, Members of these State-funded pension systems who have earned Social Security coverage through past employment have these benefits reduced up to 66% by the Windfall Elimination Provision or the Government Pension Offset; and

WHEREAS, The General Assembly is considering a reduction in pension benefits for future members of these State-funded pension systems; and

WHEREAS, Currently, the normal cost for new members of the retirement systems is below the cost of providing Social Security; and

WHEREAS, The cost of the current benefit plan is lower than what is paid in the private sector for Social Security; and

WHEREAS, Social Security is a 50-50 pick-up between employees and employers; and

WHEREAS, Current pension reduction proposals would require new members to pick up 80% to 90% of the cost of their retirement; and

WHEREAS, Retirement security for members of State-funded pension systems that are not participating in Social Security is solely dependent on the level of the benefits provided by these systems; and

WHEREAS, It is prudent for the State of Illinois to study the impact of mandating Social Security for all public employees in State-funded pension systems; and

WHEREAS, The study shall compare the cost of mandating Social Security for new members and the normal cost of those new members; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Commission on Government Forecasting and Accountability shall conduct a study to analyze the cost of mandating Social Security coverage for all members of State-funded pension systems; and be it further

RESOLVED, That the Commission on Government Forecasting and Accountability shall compare the normal cost of the benefit plan offered to current and future members of State-funded pension systems to the cost of Social Security coverage; and be it further

RESOLVED, That the Commission on Government Forecasting and Accountability shall present the results of this study to the leaders of each legislative caucus and the Governor's office by May 7, 2010; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Commission on Government Forecasting and Accountability.

#### **AGREED RESOLUTIONS**

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

#### **HOUSE RESOLUTION 1059**

Offered by Representative Osmond:

Mourns the death in Iraq of United States Army Sergeant Richard "Joe" Jordan, of Harrison Township, Michigan, formerly of Antioch.

#### **HOUSE RESOLUTION 1060**

Offered by Representative Jakobsson:

Recognizes the Illinois 2010 Children's Champions and their dedication, hard work and significant contributions to the State of Illinois.

#### **HOUSE RESOLUTION 1062**

Offered by Representative Washington:

Congratulates the players, coaches, and managers of the Waukegan High School Bulldogs boys basketball team on their wonderful season and their 3rd place finish in the IHSA Class 4A State tournament.

## HOUSE RESOLUTION 1064

Offered by Representative Turner:  
Mourns the death of Daniel Hanks of Chicago.

**DISTRIBUTION OF SUPPLEMENTAL CALENDAR**

Supplemental Calendar No. 1 was distributed to the Members at 9:09 o'clock a.m.

**HOUSE BILLS ON SECOND READING**

HOUSE BILL 4935. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Health Care Licenses, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4935 on page 2, by replacing lines 23 through 26 with the following:

"rendered. Nothing in this subparagraph (L) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this subparagraph (L) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 3, by deleting lines 1 through 7; and

on page 7, by replacing lines 18 through 26 with the following:

"rendered. Nothing in this paragraph (12) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (12) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 8, by deleting lines 1 through 2; and

on page 14, by replacing lines 16 through 26 with the following:

"Nothing in this paragraph (1) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (1) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 19, by replacing lines 22 through 26 with the following:

"Nothing in this item 5 affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this item 5 shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 20, by deleting lines 1 through 5; and

on page 26, by replacing lines 9 through 19 with the following:

"rendered. Nothing in this paragraph (1) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (1) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 29, immediately below line 19, by inserting the following:

"Section 27. The Health Care Worker Self-Referral Act is amended by adding Section 50 as follows:  
(225 ILCS 47/50 new)

Sec. 50. Statutorily required referrals.

(a) With respect to statutorily required referrals for physical therapy services, occupational therapy services, athletic trainer services, or genetic counselor services, a patient shall be informed that he or she may request a referral for these services outside or independent of the authorized referring health care worker's group practice, facility, or health professional's or provider's office (hereinafter "practice"). This notice to the patient may take the following or a similar form:

For your information, the health care professionals in this practice (or legal entity) are financially integrated. If you are referred to a health care professional in this practice for physical therapy services, occupational therapy services, athletic trainer services, or genetic counselor services, please note that you may request and receive a referral for these services outside or independent of this practice.

(b) For the purposes of this Section, "referral" means the authority required by Illinois law for a physical therapist, occupational therapist, athletic trainer, or genetic counselor to provide services to a patient."; and on page 31, by replacing lines 11 through 20 with the following:

"affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (m) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 37, by replacing lines 11 through 21 with the following:

"rendered. Nothing in this paragraph (12) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (12) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 44, by replacing lines 6 through 15 with the following:

"(12) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (12) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 56, by replacing lines 4 through 14 with the following:

"Nothing in this paragraph (28) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (28) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 62, by replacing lines 12 through 22 with the following:

"rendered. Nothing in this paragraph (11) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (11) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 68, by replacing lines 25 through 26 with the following:

"Nothing in this paragraph (12) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (12) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 69, by deleting lines 1 through 9; and



on page 74, by replacing lines 5 through 15 with the following:

"rendered. Nothing in this item 9 affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this item 9 shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 83, by replacing lines 16 through 26 with the following:

"Nothing in this paragraph (L) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (L) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 88, by replacing lines 17 through 23 with the following:

"rendered. Nothing in this paragraph (11) affects any bona fide independent contractor or employment arrangements, which may include provisions for compensation, health insurance, pension, or other employment benefits, with persons or entities authorized under this Act for the provision of services within the scope of the licensee's practice under this Act."; and

on page 95, by replacing line 26 with the following:

"or corporation. Nothing in this paragraph (12) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (12) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 96, by deleting lines 1 through 10; and

on page 104, by replacing line 26 with the following:

"Nothing in this paragraph (12) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (12) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 105, by deleting lines 1 through 10; and

on page 109, by replacing lines 15 through 25 with the following:

"Nothing in this paragraph (12) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (12) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 114, by replacing lines 20 through 25 with the following:

"representative. Nothing in this paragraph (d) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (d) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 115, by deleting lines 1 through 5; and

on page 123, by replacing lines 5 through 15 with the following:

"Nothing in this paragraph (9) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (9) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 130, by replacing lines 9 through 19 with the following:

"Nothing in this paragraph (9) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (9) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 135, by replacing lines 1 through 11 with the following:

"Nothing in this paragraph (14) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (14) shall be construed to require an employment arrangement to receive professional fees for services rendered."; and

on page 139, by replacing lines 17 through 25 with the following:

"rendered. Nothing in this paragraph (10) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements with health care providers may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (10) shall be construed to require an employment arrangement to receive professional fees for services rendered."

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 6241. 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 Black offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 6241 on page 3, by replacing lines 1 through 3 with "the components for repeated towing. The term excludes"; and

on page 3, by replacing lines 9 through 11 with "synonymous for the purposes of this Act."; and

on page 10, by replacing lines 3 through 5 with the following:

"term excludes campers and recreational vehicles. Mobile homes and"; and

on page 10, by replacing lines 10 through 12 with "synonymous for the purposes of this Act. Any "mobile home" means a factory"; and

on page 15, line 7, by replacing "Sections 2.1 and 2.10" with "Section 2.1"; and

on page 16, by replacing lines 3 through 5 with "the components for repeated towing. The term excludes"; and

by deleting everything from line 19 on page 16 through line 2 on page 17; and

on page 18, by replacing lines 1 through 3 with "the components for repeated towing. The term excludes"; and

on page 20, by replacing lines 1 through 3 with "the components for repeated towing. The term excludes"; and

on page 21, by replacing lines 20 and 21 with the following:

"accepted codes and standards developed by the International Code Council (ICC) or by the organizations that formed the ICC in 1994: adopted by the Building Officials and Code Administrators Conference of America, the International Conference of"; and

on page 21, line 22, after "Congress" by inserting "International"; and

on page 22, lines 2 and 3, by replacing "placed on a support system specified by the home's manufacturer" with "installed and set up according to the manufacturer's instructions"; and

by replacing everything from line 25 on page 24 through line 1 on page 25 with "the components for repeated towing. The term excludes"; and

on page 27, by replacing lines 20 through 22 with "the components for repeated towing. The term excludes"; and

on page 43, by replacing lines 5 through 7 with "towing. The term shall exclude campers and recreational".

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 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 Colvin, HOUSE BILL 4781 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: 106, Yeas; 9, 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.

### RESOLUTION

Having been reported out of the Committee on Health Care Availability and Accessibility on March 16, 2010, HOUSE RESOLUTION 858 was taken up for consideration.

Representative May moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

### HOUSE BILLS ON SECOND READING

HOUSE BILL 6420. Having been reproduced, was taken up and read by title a second time.

Representative Reitz offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 6420 by replacing everything after the enacting clause with the following:

"Section 5. The Funeral Directors and Embalmers Licensing Code is amended by changing Sections 1-10, 1-15, 1-20, 5-10, 5-15, 10-25, 10-30, 10-35, 15-5, 15-10, 15-15, 15-20, 15-30, 15-35, 15-40, 15-45, 15-55, 15-65, 15-70, 15-75, 15-85, and 20-15 and by adding Sections 1-30, 5-7, 10-7, 15-16, 15-17, 15-21, 15-22, 15-41, 15-46, 15-77, 15-91, 15-100, 15-105, and 15-110 as follows:

(225 ILCS 41/1-10)

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

Sec. 1-10. Definitions. As used in this Code:

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file.

"Applicant" means any person making application for a license or certificate of registration. Any applicant or any person who holds himself out as an applicant is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Board" means the Funeral Directors and Embalmers Licensing and Disciplinary Board.

"Certificate of Death" means a certificate of death as referenced in the Illinois Vital Records Act.

"Customer service employee" means a funeral establishment, funeral chapel, funeral home, or mortuary employee who has direct contact with consumers and explains funeral or burial merchandise or services or negotiates, develops, or finalizes contracts with consumers. This definition includes, without limitation, an individual that is an independent contractor or an individual employed or contracted by an independent

~~contractor who has direct contact with consumers and explains funeral or burial merchandise or services or negotiates, develops, or finalizes contracts with consumers. This definition does not include a funeral establishment, funeral chapel, funeral home, or mortuary employee, an individual who is an independent contractor, or an individual employed or contracted by an independent contractor who merely provides a printed price list to a consumer, processes payment from a consumer, or performs sales functions related solely to incidental merchandise like flowers, keepsakes, memorial tributes, or other similar items.~~

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

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

"Funeral director and embalmer" means a person who is licensed and qualified to practice funeral directing and to prepare, disinfect and preserve dead human bodies by the injection or external application of antiseptics, disinfectants or preservative fluids and materials and to use derma surgery or plastic art for the restoring of mutilated features. It further means a person who restores the remains of a person for the purpose of funeralization whose organs or bone or tissue has been donated for anatomical purposes.

"Funeral director and embalmer intern" means a person licensed by the State who is qualified to render assistance to a funeral director and embalmer in carrying out the practice of funeral directing and embalming under the supervision of the funeral director and embalmer.

"Embalming" means the process of sanitizing and chemically treating a deceased human body in order to reduce the presence and growth of microorganisms, to retard organic decomposition, to render the remains safe to handle while retaining naturalness of tissue, and to restore an acceptable physical appearance for funeral viewing purposes.

"Funeral director" means a person, known by the title of "funeral director" or other similar words or titles, licensed by the State who practices funeral directing.

"Funeral establishment", "funeral chapel", "funeral home", or "mortuary" means a building or separate portion of a building having a specific street address or location and devoted to activities relating to the shelter, care, custody and preparation of a deceased human body and which may contain facilities for funeral or wake services.

"Licensee" means a person licensed under this Code as a funeral director, funeral director and embalmer, or funeral director and embalmer intern. Anyone who holds himself or herself out as a licensee or who is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Owner" means the individual, partnership, corporation, association, trust, estate, or agent thereof, or other person or combination of persons who owns a funeral establishment or funeral business.

"Person" means any individual, partnership, association, firm, corporation, trust or estate, or other entity.

"Person" includes both natural persons and legal entities.

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

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 41/1-15)

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

Sec. 1-15. Funeral directing; definition. Conducting or engaging in or representing or holding out oneself as conducting or engaged in any one or any combination of the following practices constitutes the practice of funeral directing:

(a) The practice of preparing, otherwise than by embalming, for the burial, cremation, or disposal and directing and supervising the burial or disposal of deceased human remains or performing any act or service in connection with the preparing of dead human bodies. Preparation, direction, and supervision shall not be construed to mean those functions normally performed by cemetery and crematory personnel.

(b) The practice of operating a place for preparing for the disposition of deceased human bodies or for caring for deceased human bodies before their disposition. Nothing in this Code shall prohibit the ownership and management of such a place by an unlicensed owner if the place is operated in accordance with this Code and the unlicensed owner does not engage in any form of funeral directing.

(c) The removal of a deceased human body from its place of death, institution, or other location. A licensed funeral director and embalmer intern may remove a deceased human body from its place of death, institution, or other location without another licensee being present. The licensed funeral director may engage others who are not licensed funeral directors, licensed funeral director and embalmers, or licensed funeral director and embalmer interns to assist in the removal if the funeral director directs and instructs them in handling and precautionary procedures and accompanies them on

all calls. The transportation of deceased human remains to a cemetery, crematory or other place of final disposition shall be under the immediate direct supervision of a licensee unless otherwise permitted by this Section. The transportation of deceased human remains that are embalmed or otherwise prepared and enclosed in an appropriate container to some other place that is not the place of final disposition, such as another funeral home or common carrier, or to a facility that shares common ownership with the transporting funeral home may be performed under the general supervision of a licensee, but the supervision need not be immediate or direct.

(d) The administering and conducting of, or assuming responsibility for administering and conducting of, at need funeral arrangements.

(e) The assuming custody of, transportation, providing shelter, protection and care and disposition of deceased human remains and the furnishing of necessary funeral services, facilities and equipment.

(f) Using in connection with a name or practice the word "funeral director;" "undertaker;" "mortician;" "funeral home;" "funeral parlor;" "funeral chapel;" or any other title implying that the person is engaged in the practice of funeral directing.

(g) Having direct contact with consumers and explaining funeral or burial merchandise or services.

(h) Negotiating, developing, or finalizing contracts with consumers.

The practice of funeral directing shall not include the phoning in of obituary notices, ordering of flowers for the funeral, or reporting of prices on the firm's general price list as required by the Federal Trade Commission Funeral Rule by nonlicensed persons, or like clerical tasks incidental to the act of making funeral arrangements.

The making of funeral arrangements, at need, shall be done only by licensed funeral directors or licensed funeral directors and embalmers. Licensed funeral director and embalmer interns may, however, assist or participate in the arrangements under the direct supervision of a licensed funeral director or licensed funeral director and embalmer.

(Source: P.A. 93-268, eff. 1-1-04.)

(225 ILCS 41/1-20)

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

Sec. 1-20. Funeral directing and embalming; definition. "The practice of funeral directing and embalming" means:

(a) The practice of preparing, otherwise than by embalming, for the burial, cremation, or disposal and directing and supervising the burial or disposal of deceased human remains or performing any act or service in connection with the preparing of dead human bodies. Preparation, direction, and supervision shall not be construed to mean those functions normally performed by cemetery and crematory personnel.

(b) The practice of operating a place for preparing for the disposition of deceased human bodies or for caring for deceased human bodies before their disposition. Nothing in this Code shall prohibit the ownership and management of such a place by an unlicensed owner if the place is operated in accordance with this Code and the unlicensed owner does not engage in any form of funeral directing and embalming.

(c) The removal of a deceased human body from its place of death, institution or other location. A licensed funeral director and embalmer intern may remove a deceased human body from its place of death, institution, or other location without another licensee being present. The licensed funeral director and embalmer may engage others who are not licensed funeral directors and embalmers, licensed funeral directors, or licensed funeral director and embalmer interns to assist in the removal if the funeral director and embalmer directs and instructs them in handling and precautionary procedures and accompanies them on all calls. The transportation of deceased human remains to a cemetery, crematory or other place of final disposition shall be under the immediate, direct supervision of a licensee unless otherwise permitted by this Section. The transportation of deceased human remains that are embalmed or otherwise prepared and enclosed in an appropriate container to some other place that is not the place of final disposition, such as another funeral home or common carrier, or to a facility that shares common ownership with the transporting funeral home may be performed under the general supervision of a licensee, but the supervision need not be immediate or direct.

(d) The administering and conducting of, or assuming responsibility for administering and conducting of, at need funeral arrangements.

(e) The assuming custody of, transportation, providing shelter, protection and care and disposition of deceased human remains and the furnishing of necessary funeral services, facilities and

equipment.

(f) Using in connection with a name or practice the word "funeral director and embalmer", "embalmer", "funeral director", "undertaker", "mortician", "funeral home", "funeral parlor", "funeral chapel", or any other title implying that the person is engaged in the practice of funeral directing and embalming.

(g) The embalming or representing or holding out oneself as engaged in the practice of embalming of deceased human bodies or the transportation of human bodies deceased of a contagious or infectious disease.

(h) Having direct contact with consumers and explaining funeral or burial merchandise or services.

(i) Negotiating, developing, or finalizing contracts with consumers.

The practice of funeral directing and embalming shall not include the phoning in of obituary notices, ordering of flowers for the funeral, or reporting of prices on the firm's general price list as required by the Federal Trade Commission Funeral Rule by nonlicensed persons, or like clerical tasks incidental to the act of making funeral arrangements.

The making of funeral arrangements, at need, shall be done only by licensed funeral directors or licensed funeral directors and embalmers. Licensed funeral director and embalmer interns may, however, assist or participate in the arrangements under the direct supervision of a licensed funeral director or licensed funeral director and embalmer.

(Source: P.A. 93-268, eff. 1-1-04.)

(225 ILCS 41/1-30 new)

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

Sec. 1-30. Powers of the Department. Subject to the provisions of this Code, the Department may exercise the following powers:

(1) To authorize examinations to ascertain the qualifications and fitness of applicants for licensing as a licensed funeral director and embalmer and pass upon the qualifications of applicants for licensure.

(2) To examine the records of a licensed funeral director or licensed funeral director and embalmer from any year or any other aspect of funeral directing and embalming as the Department deems appropriate.

(3) To investigate any and all funeral directing and embalming activity.

(4) To conduct hearings on proceedings to refuse to issue or renew licenses or to revoke, suspend, place on probation, reprimand, or otherwise discipline a license under this Code or take other non-disciplinary action.

(5) To adopt rules required for the administration of this Code.

(6) To prescribe forms to be issued for the administration and enforcement of this Code.

(7) To maintain rosters of the names and addresses of all licensees and all persons whose licenses have been suspended, revoked, denied renewal, or otherwise disciplined within the previous calendar year. These rosters shall be available upon written request and payment of the required fee as established by rule.

(8) To contract with third parties for services necessary for the proper administration of this Code including, without limitation, investigators with the proper knowledge, training, and skills to properly inspect funeral homes and investigate complaints under this Code.

(225 ILCS 41/5-7 new)

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

Sec. 5-7. Address of record. It is the duty of the applicant or licensee to inform the Department of any change of address within 14 days after the change of address, either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 41/5-10)

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

Sec. 5-10. Funeral director license; display. Every holder of a license as a funeral director shall display it in a conspicuous place in the licensee's place of practice or in the place of practice in which the licensee is employed or, in case the licensee is engaged in funeral directing at more than one place of practice, then in the licensee's principal place of practice or the principal place of practice of the licensee's employer and a copy of the license shall be displayed in a conspicuous place at all other places of practice.

(Source: P.A. 93-268, eff. 1-1-04.)

(225 ILCS 41/5-15)

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

Sec. 5-15. Expiration and renewal; inactive status; continuing education. The expiration date and renewal period for each license issued under this Article shall be set by rule. The holder of a license as a licensed funeral director may renew the license during the month preceding the expiration date of the license by

paying the required fee. A licensed funeral director whose license has expired may have the license reinstated within 5 years from the date of expiration upon payment of the required reinstatement fee. The reinstatement shall be effective as of the date of reissuance of the license.

Any licensed funeral director whose license has been expired for more than 5 years may have the license restored only by fulfilling the requirements of the Department's rules and by paying the required restoration fee. However, any licensed funeral director whose license has expired while he or she has been engaged (1) in federal service on active duty with the United States Army, ~~of the United States~~, ~~the United States Navy~~, ~~the Marine Corps~~, ~~the Air Force~~, ~~or the Coast Guard~~, or the State Militia called into the service or training of the United States of America or (2) in training or education under the supervision of the United States preliminary to induction into the military service may have his or her license restored without paying any lapsed renewal fees or restoration fee or without passing any examination if, within 2 years after termination of the service, training or education other than by dishonorable discharge, he or she furnishes the Department with an affidavit to the effect that he or she has been so engaged and that his or her service, training or education has been so terminated.

In addition to any other requirement for renewal of a license or reinstatement or restoration of an expired license, as a condition for the renewal, ~~or reinstatement~~, or restoration of a license as a licensed funeral director, each licensee shall provide evidence to the Department of completion of at least 12 hours of continuing education during the 24 months preceding the expiration date of the license, or in the case of reinstatement or restoration, during the 24 months preceding application for reinstatement or restoration. The continuing education sponsors shall be approved by the Board. In addition, any qualified continuing education course for funeral directors offered by a college, university, the Illinois Funeral Directors Association, Funeral Directors Services Association of Greater Chicago, Cook County Association of Funeral Home Owners, Inc., Illinois Selected Morticians Association, Inc., Illinois Cemetery and Funeral Home Association, National Funeral Directors Association, Selected Independent Funeral Homes, National Funeral Directors and Morticians Association, Inc., International Order of the Golden Rule, or an Illinois school of mortuary science shall be accepted toward satisfaction of the continuing education requirements.

The Department shall establish by rule a means for verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continued education certificates with the Department or a qualified organization selected by the Department to maintain these records, or by other means established by the Department.

A person who is licensed as a funeral director under this Code Act and who has engaged in the practice of funeral directing for at least 40 years shall be exempt from the continuing education requirements of this Section. In addition, the Department shall establish by rule an exemption or exception for a limited period of time, for funeral directors who, by reason of advanced age, health or other extreme condition should reasonably be excused from the continuing education requirement upon ~~explanation to the Board~~, the approval of the Secretary Director, ~~or both~~. Those persons, identified above, who cannot attend on-site classes, shall have the opportunity to comply by completing home study courses designed for them by sponsors.

Any funeral director who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees and completion of continuing education requirements until he or she notifies the Department in writing of an intent to restore or reinstate the license to active status. Any licensee requesting restoration or reinstatement from inactive status shall notify the Department as provided by rule of the Department and pay the fee required by the Department for restoration or reinstatement of the license. Any licensee whose license is on inactive status shall not practice in the State of Illinois.

Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of this Code.

(Source: P.A. 92-641, eff. 7-11-02; 93-268, eff. 1-1-04.)

(225 ILCS 41/10-7 new)

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

Sec. 10-7. Address of record. It is the duty of the applicant or licensee to inform the Department of any change of address within 14 days after the change of address, either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 41/10-25)

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

Sec. 10-25. Examinations. The Department shall authorize and hold examinations of applicants for

licenses as licensed funeral directors and embalmers. The examination may include both practical demonstrations and written and oral tests and shall embrace the subjects of anatomy, sanitary science, health regulations in relation to the handling of deceased human bodies, measures used by funeral directors and embalmers for the prevention of the spread of diseases, the care, preservation, embalming, transportation, and burial of dead human bodies, and other subjects relating to the care and handling of deceased human bodies as set forth in this Article and as the Department by rule may prescribe.

Whenever the ~~Secretary Director~~ is not satisfied that substantial justice has been done in an examination, the ~~Secretary Director~~ may order a reexamination.

If an applicant neglects, fails without an approved excuse or refuses to take the next available examination offered for licensure under this Code, the fee paid by the applicant shall be forfeited to the Department and the application denied. If an applicant fails to pass an examination for licensure under this Code within 3 years after filing an application, the application shall be denied. However, the applicant may thereafter make a new application for examination which shall be accompanied by the required fee.

(Source: P.A. 87-966.)

(225 ILCS 41/10-30)

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

Sec. 10-30. Issuance, display of license. Whenever an applicant has met the requirements of this Code, the Department shall issue to the applicant a license as a licensed funeral director and embalmer or licensed funeral director and embalmer intern, as the case may be.

Every holder of a license shall display it in a conspicuous place in the licensee's place of practice or in the place of practice in which the licensee is employed. In case the licensee is engaged in funeral directing and embalming at more than one place of practice, then the license shall be displayed in the licensee's principal place of practice or the principal place of practice of the licensee's employer and a copy of the license shall be displayed in a conspicuous place at all other places of practice.

(Source: P.A. 93-268, eff. 1-1-04.)

(225 ILCS 41/10-35)

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

Sec. 10-35. Renewal; reinstatement; restoration; continuing education. The expiration date and renewal period for each license issued under this Article shall be set by rule. The holder of a license as a licensed funeral director and embalmer or funeral director and embalmer intern may renew the license during the month preceding the expiration date of the license by paying the required fee. A licensed funeral director and embalmer or licensed funeral director and embalmer trainee whose license has expired may have the license reinstated within 5 years from the date of expiration upon payment of the required reinstatement fee and fulfilling the requirements of the Department's rules. The reinstatement of the license is effective as of the date of the reissuance of the license.

Any licensed funeral director and embalmer whose license has been expired for more than 5 years may have the license restored only by fulfilling the requirements set forth in the Department's rules and by paying the required restoration fee. However, any licensed funeral director and embalmer or licensed funeral director and embalmer intern whose license has expired while he or she has been engaged (1) in federal service on active duty with the United States Army, of the United States, the United States Navy, the Marine Corps, the Air Force, or the Coast Guard, or the State Militia called into the service or training of the United States of America or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license restored without paying any lapsed renewal fees or restoration fee or without passing any examination if, within 2 years after termination of the service, training or education other than by dishonorable discharge, he or she furnishes the Department with an affidavit to the effect that he or she has been so engaged and that his or her service, training or education has been so terminated.

No license of a funeral director and embalmer intern shall be renewed more than twice.

In addition to any other requirement for renewal of a license or reinstatement or restoration of an expired license, as a condition for the renewal, ~~or reinstatement~~ or restoration of a license as a licensed funeral director and embalmer, each licensee shall provide evidence to the Department of completion of at least 24 hours of continuing education during the 24 months preceding the expiration date of the license, or in the case of reinstatement or restoration, within the 24 months preceding the application for reinstatement or restoration. The continuing education sponsors shall be approved by the Board. In addition, any qualified continuing education course for funeral directors and embalmers offered by a college, university, the Illinois Funeral Directors Association, Funeral Directors Services Association of Greater Chicago, Cook County Association of Funeral Home Owners, Inc., Illinois Selected Morticians Associations, Inc., Illinois



Cemetery and Funeral Home Association, National Funeral Directors Association, Selected Independent Funeral Homes, National Funeral Directors and Morticians Association, Inc., International Order of the Golden Rule, or an Illinois school of mortuary science shall be accepted toward satisfaction of the continuing education requirements.

The Department shall establish by rule a means for verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continued education certificates with the Department or a qualified organization selected by the Department to maintain the records, or by other means established by the Department.

A person who is licensed as a funeral director and embalmer under this ~~Code Act~~ and who has engaged in the practice of funeral directing and embalming for at least 40 years shall be exempt from the continuing education requirements of this Section. In addition, the Department shall establish by rule an exemption or exception for a limited period of time, for funeral directors and embalmers who, by reason of advanced age, health or other extreme condition, should reasonably be excused from the continuing education requirement upon ~~explanation to the Board~~, the approval of the ~~Secretary Director~~, or both. Those persons, identified above, who cannot attend on-site classes, shall have the opportunity to comply by completing home study courses designed for them by sponsors.

Any funeral director and embalmer who notifies the Department in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees and completion of continuing education requirements until he or she notifies the Department in writing of an intent to restore or reinstate the license to active status. While on inactive status, the licensee shall only be required to pay a single fee, established by the Department, to have the license placed on inactive status. Any licensee requesting restoration or reinstatement from inactive status shall notify the Department as provided by rule of the Department and pay the fee required by the Department for restoration or reinstatement of the license. Any licensee whose license is on inactive status shall not practice in the State of Illinois.

Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of this Code.

(Source: P.A. 93-268, eff. 1-1-04.)

(225 ILCS 41/15-5) (from Ch. 111, par. 2825)

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

Sec. 15-5. Funeral Directors and Embalmers Licensing and Disciplinary Board. A Funeral Directors and Embalmers Licensing and Disciplinary Board is created and shall consist of 7 persons, 6 of whom are licensed to practice funeral directing and embalming in this State, and one who is a knowledgeable public member. Each member shall be appointed by the ~~Secretary Director~~ of the Department. The persons so appointed shall hold their offices for 4 years and until a qualified successors are ~~successor is~~ appointed. All vacancies occurring shall be filled by the ~~Secretary Director~~ for the unexpired portion of the term rendered vacant. No member shall be eligible to serve for more than 2 full consecutive terms. The Secretary may remove any member of the Board for reasons prescribed by law for removal of State officials or for misconduct, incompetence, neglect of duty, or failing to attend 2 consecutive Board meetings. Any appointee may be removed by the Director when in his or her discretion he or she finds removal to be in the public interest. The cause for removal must be set forth in writing. The Board shall annually select a chairman from its membership. The members of the Board shall be reimbursed for all legitimate and necessary expenses incurred in attending meetings of the Board. The Board may meet as often as necessary to perform its duties under this Code, and shall meet at least once a year in Springfield, Illinois.

Four members of the Board shall constitute a quorum. A quorum is required for Board decisions.

The Department shall consider the recommendation of the Board in the development of proposed rules under this Code. Notice of any proposed rulemaking under this Code shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations relating to that rulemaking.

~~The Department may seek the advice and recommendations of the Board on any matter relating to the administration and enforcement of this Code.~~

The Department shall seek the advice and recommendations of the Board in connection with any rulemaking or disciplinary actions relating to funeral director and embalmers and funeral director and embalmer interns, including applications for restoration of revoked licenses. The Board shall have 60 days to respond to a Department request for advice and recommendations. ~~If the Department fails to adopt, in whole or in part, a Board recommendation in connection with any rulemaking or disciplinary action, it shall~~

~~provide a written explanation of its specific reasons for not adopting the Board recommendation. The written explanations shall be made available for public inspection.~~

The Department shall adopt all necessary and reasonable rules and regulations for the effective administration of this Code, and without limiting the foregoing, the Department shall adopt rules and regulations:

- (1) prescribing a method of examination of candidates;
- (2) defining what shall constitute a school, college, university, department of a university or other institution to determine the reputability and good standing of these institutions by reference to a compliance with the rules and regulations; however, no school, college, university, department of a university or other institution that refuses admittance to applicants, solely on account of race, color, creed, sex or national origin shall be considered reputable and in good standing;
- (3) establishing expiration dates and renewal periods for all licenses;
- (4) prescribing a method of handling complaints and conducting hearings on proceedings to take disciplinary action under this Code; and
- (5) providing for licensure by reciprocity.

(Source: P.A. 93-268, eff. 1-1-04.)

(225 ILCS 41/15-10)

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

Sec. 15-10. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated into this Code as if all of the provisions of that Act were included in this Code, 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 license is specifically excluded. For the purposes of this Code the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the ~~last known~~ address of record a party.

(Source: P.A. 87-966; 88-45.)

(225 ILCS 41/15-15)

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

Sec. 15-15. Complaints; investigations; hearings; summary suspension of license. The Department may investigate the actions of any applicant or of any person or persons rendering or offering to render services or any person holding or claiming to hold a license under this Code.

The Department shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct him or her to file a written answer to the charges under oath within 20 days after the service on him or her of the notice, and (iii) inform the accused that, if he or she fails to answer, default will be taken against him or her or that his or her license may be suspended, revoked, or placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Department may consider proper.

At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Department may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action it considers proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Code. The written notice may be served by personal delivery or by certified mail to the address specified by the accused in his or her last notification with the Department.

~~The Department shall conduct regular inspections of all funeral establishments to determine compliance with the provisions of this Code. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts that if proved would constitute grounds for refusal, suspension, revocation, or other disciplinary action investigate the action of any person holding or claiming to hold a license under this Code. The Department shall report to the Board, on at least a quarterly basis, the status or disposition of all complaints against, and investigations of, license holders. The Department shall, before refusing to issue or renew, suspending, revoking, or taking any other disciplinary action with respect to any license and at least 30 days before the date set for the hearing, notify in writing the licensee of any charges made and shall direct that person to file a written answer to the Board under oath within 20 days~~

~~after the service of the notice and inform that person that failure to file an answer may result in default being taken and the person's license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary may deem proper. The Department shall afford the licensee an opportunity to be heard in person or by counsel in reference to the charges. Written notice may be served by personal delivery to the licensee or by mailing it by registered mail to the last known business address of licensee. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The hearing on the charges shall be at a time and place as the Department shall prescribe. The Department may appoint a hearing officer to conduct the hearing. The Department shall notify the Board of the time and place of the hearing and Board members shall be allowed to sit at the hearing.~~

The Department has the power to subpoena and bring before it any person to take oral or written testimony and to compel the production of any books, papers, records, or other documents that the Secretary or his or her designee deems relevant or material to any investigation or hearing conducted by the Department, with the same fees and in the same manner as prescribed in civil cases. The Secretary, the designated hearing officer, and every member of the Board has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct, and any other oaths authorized in any Act or Code administered by the Department in this State, or take testimony of any person by deposition, with the same fees and mileage, in the same manner as prescribed by law in judicial proceedings in circuit courts of this State in civil cases.

If the Department determines that any licensee is guilty of a violation of any of the provisions of this Code, disciplinary action shall be taken against the licensee. The Department may take disciplinary action without a formal hearing subject to Section 10-70 of the Illinois Administrative Procedure Act.

The Secretary may summarily suspend the license of any person licensed under this Code Act without a hearing, simultaneously with the institution of proceedings for a hearing provided for in this Section, if the Secretary finds that evidence in the possession of the Secretary indicates that the continuation of practice by the licensee would constitute an imminent danger to the public. In the event that the Secretary summarily suspends the license of an individual without a hearing, a hearing must be held within 30 days after the suspension has occurred and concluded as expeditiously as practical.

(Source: P.A. 96-48, eff. 7-17-09.)

(225 ILCS 41/15-16 new)

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

Sec. 15-16. Appointment of a hearing officer. The Secretary has the authority to appoint any attorney licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, restore, or renew a license or to discipline a licensee. The hearing officer has full authority to conduct the hearing. Any Board member may attend hearings.

(225 ILCS 41/15-17 new)

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

Sec. 15-17. Consent order. At any point in any investigation or disciplinary proceeding provided for in this Code, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary.

(225 ILCS 41/15-20)

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

Sec. 15-20. Transcript; record of proceedings; rehearing. The Department, at its expense, shall ~~provide a stenographer to take down the testimony and~~ preserve a record of all proceedings at the formal hearing of any case ~~where a license is revoked, suspended or subjected to any other disciplinary action.~~ The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board or hearing officer, and the orders of the Department shall be the record of the proceedings. The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the actual cost of making the transcript.

~~The record of all proceedings at the hearing shall be submitted for review to the Board, which shall present to the Director a written report of its findings and recommendations based solely upon the record. The report of findings and recommendations of the Board shall be the basis for the Department's order unless the Director determines that the Board findings and recommendations are contrary to the manifest~~

~~weight of the evidence. A copy of that report and the Department's order shall be served upon the accused person, either personally, or by registered or certified mail to the address specified by the licensee in his last notification to the Director. Within 20 days after service, the accused person may present to the Department his or her motion in writing for a rehearing, which shall specify the particular grounds for rehearing. If the accused person orders and pays for a transcript of the record as provided in this Act, the time elapsing thereafter and before the transcript is ready for delivery shall not be counted as part of the 20 days.~~

~~Whenever the Director is not satisfied that substantial justice has been done, he or she may order a rehearing by the same or another hearing officer. At the expiration of the time specified for filing a motion for a rehearing the Director shall have the right to take the action contained in the order. Upon the suspension or revocation of a license, the licensee shall be required to surrender the license to the Department, and upon failure or refusal to do so, the Department has the right to seize the license.~~

~~At any time after the suspension or revocation of any license, the Department may restore it to the accused person without examination.~~

(Source: P.A. 87-966.)

(225 ILCS 41/15-21 new)

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

Sec. 15-21. Findings and recommendations. At the conclusion of the hearing, the Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding of whether or not the accused person violated this Code or its rules or failed to comply with the conditions required in this Code or its rules. The Board shall specify the nature of any violations or failure to comply and shall make its recommendations to the Secretary. In making recommendations for any disciplinary action, the Board may take into consideration all facts and circumstances bearing upon the reasonableness of the conduct of the accused and the potential for future harm to the public, including, but not limited to, previous discipline of the accused by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made by the accused, and whether the incident or incidents contained in the complaint appear to be isolated or represent a continuing pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the severity of the discipline recommended is reasonably related to the severity of the violation.

The report of findings of fact, conclusions of law, and recommendation of the Board or hearing officer shall be the basis for the Department's order refusing to issue, restore, or renew a license, or otherwise disciplining a licensee. If the Secretary disagrees with the recommendations of the Board or hearing officer, the Secretary may issue an order in contravention of the Board or hearing officer's recommendations. The finding is not admissible in evidence against the person in a criminal prosecution brought for a violation of this Code, but the hearing and finding are not a bar to a criminal prosecution brought for a violation of this Code.

(225 ILCS 41/15-22 new)

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

Sec. 15-22. Rehearing. At the conclusion of the hearing, a copy of the Board or hearing officer's report shall be served upon the applicant or licensee by the Department, either personally or as provided in this Code for the service of a notice of hearing. Within 20 days after service, the applicant or licensee may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon denial, the Secretary may enter an order in accordance with the recommendations of the Board or hearing officer. If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.

If the Secretary believes that substantial justice has not been done in the revocation, suspension, or refusal to issue, restore, or renew a license, or other discipline of an applicant or licensee, he or she may order a rehearing by the same or other examiners.

(225 ILCS 41/15-30)

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

Sec. 15-30. Mental incompetence; suspension. The entry of a judgment by any court of competent jurisdiction establishing the mental incompetence of any person holding a license under this Code ~~Act~~ operates as a suspension of that person's license. The person may resume his or her practice only upon a

finding by a court of competent jurisdiction that the person has recovered mental capacity.

(Source: P.A. 87-966.)

(225 ILCS 41/15-35)

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

Sec. 15-35. Administrative Review Law.

(a) All final administrative decisions of the Department shall be 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 Illinois, then the venue shall be in Sangamon County.

(Source: P.A. 87-966.)

(225 ILCS 41/15-40)

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

Sec. 15-40. Certification of record; receipt. The Department shall not be required to certify any record to the court, ~~to file an answer in court, or file any answer in court~~ or otherwise to appear in any court in a judicial review proceeding unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department ~~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.~~ Exhibits shall be certified without cost. Failure on the part of the Plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(Source: P.A. 87-966.)

(225 ILCS 41/15-41 new)

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

Sec. 15-41. Order or certified copy; prima facie proof. An order or certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, is prima facie proof that:

(1) the signature is the genuine signature of the Secretary;

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

(3) the hearing officer is qualified to act.

(225 ILCS 41/15-45)

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

Sec. 15-45. Practice without license; injunction; cease and desist order; civil penalties.

(a) The practice of funeral directing and embalming or funeral directing by any person who has not been issued a license by the Department, whose license has been suspended or revoked, or whose license has not been renewed is hereby declared to be inimical to the public welfare and to constitute a public nuisance. ~~The Secretary~~ ~~Director of Professional Regulation~~ may, in the name of the People of the State of Illinois through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in the circuit court to enjoin any person who has not been issued a license or whose license has been suspended or revoked, or whose license has not been renewed, from practicing funeral directing and embalming or funeral directing. Upon the filing of a verified complaint in court, the court, if satisfied by affidavit or otherwise that the person is or has been practicing funeral directing and embalming or funeral directing without having been issued a license or after his or her license has been suspended, revoked, or not renewed, may issue a temporary restraining order or preliminary injunction, without notice or bond, enjoining the defendant from further practicing funeral directing and embalming or funeral directing. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it is established that the defendant has been or is practicing funeral directing and embalming or funeral directing without having been issued a license or has been or is practicing funeral directing and embalming or funeral directing after his or her license has been suspended, revoked, or not renewed, the court may enter a judgment perpetually enjoining the defendant from further practicing funeral directing and embalming or funeral directing. In case of violation of any injunction entered under this Section, the court may summarily try and punish the offender for contempt of court. Any injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Code.

(b) Whenever, in the opinion of the Department, any person or other entity violates any provision of this ~~Code Act~~, the Department may issue a notice to show cause why an order to cease and desist should not be entered against that person or other entity. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the

satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(c) (1) ~~(Blank). In addition to any other penalty provided by law, any person, sole proprietorship, professional service corporation, limited liability company, partnership, or other entity that violates Section 1-15 or 1-20 of this Act shall forfeit and pay to the General Professions Dedicated Fund a civil penalty in an amount determined by the Department of not more than \$10,000 for each offense. The penalty shall be assessed in proceedings as provided in Sections 15-10 through 15-40 of this Act.~~

(2) ~~(Blank). Unless the amount of the penalty is paid within 60 days after the order becomes final, the order shall constitute a judgement and shall be filed and execution issued thereon in the same manner as the judgement of a court of record.~~

(Source: P.A. 93-268, eff. 1-1-04.)

(225 ILCS 41/15-46 new)

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

Sec. 15-46. Civil penalties; civil action.

(a) In addition to any other penalty provided by law, any person, sole proprietorship, professional service corporation, limited liability company, partnership, or other entity that violates Section 1-15 or 1-20 of this Code shall forfeit and pay to the General Professions Dedicated Fund a civil penalty in an amount determined by the Department not to exceed \$10,000 for each violation. The penalty shall be assessed in proceedings as provided in Sections 15-10 through 15-41 of this Code.

(b) In addition to the other penalties and remedies provided in this Code, the Department may bring a civil action in the county in which the funeral establishment is located against a licensee or any other person to enjoin any violation or threatened violation of this Code.

(c) Unless the amount of the penalty is paid within 60 days after the order becomes final, the order shall constitute a judgement and shall be filed and execution issued thereon in the same manner as the judgement of a court of record.

(225 ILCS 41/15-55)

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

Sec. 15-55. Preparation room. The Department shall require that each fixed place of practice or establishment devoted to the care and preparation for burial or for transportation of deceased human bodies maintain a preparation room properly equipped with necessary drainage and ventilation facilities and containing instruments and supplies necessary for the preparation and embalming of deceased human bodies for burial or transportation. Branch operations of main funeral businesses having a preparation room and located in the State of Illinois are exempt from the requirements of this Section. The Department may adopt rules for all preparation room equipment and facility requirements.

(Source: P.A. 93-268, eff. 1-1-04.)

(225 ILCS 41/15-65)

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

Sec. 15-65. Fees. The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Code Act, including but not limited to original licensure, renewal, and restoration. The fees shall be nonrefundable.

All fees collected under this Code Act shall be deposited into the General Professions Dedicated Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Code Act.

(Source: P.A. 91-454, eff. 1-1-00.)

(225 ILCS 41/15-70)

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

Sec. 15-70. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Code Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee

for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The ~~Secretary~~ Director may waive the fines due under this Section in individual cases where the ~~Secretary~~ Director finds that the fines would be unreasonable or unnecessarily burdensome. (Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 41/15-75)

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

Sec. 15-75. Violations; grounds for discipline; penalties.

(a) Each of the following acts is a Class A misdemeanor for the first offense, and a Class 4 felony for each subsequent offense. These penalties shall also apply to unlicensed owners of funeral homes.

(1) Practicing the profession of funeral directing and embalming or funeral directing, or attempting to practice the profession of funeral directing and embalming or funeral directing without a license as a ~~licensed~~ funeral director and embalmer or funeral director ~~or acting as a customer service employee without a license as a customer service employee issued by the Department.~~

(2) Serving as an intern under a licensed funeral director and embalmer or attempting to serve as an intern under a licensed funeral director and embalmer without a license as a licensed funeral director and embalmer intern.

(3) Obtaining or attempting to obtain a license, practice or business, or any other thing of value, by fraud or misrepresentation.

(4) Permitting any person in one's employ, under one's control or in or under one's service to serve as a funeral director and embalmer, funeral director, or funeral director and embalmer intern when the person does not have the appropriate license.

(5) Failing to display a license as required by this Code.

(6) Giving false information or making a false oath or affidavit required by this Code.

(b) ~~The Department may refuse to issue or renew a license or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department may deem appropriate, including imposing fines not to exceed \$10,000 for each violation, with regard to any license under the Code for any one or combination of the following: Each of the following acts or actions is a violation of this Code for which the Department may refuse to issue or renew, or may suspend or revoke any license or may take any disciplinary action as the Department may deem proper including fines not to exceed \$1,000 for each violation.~~

(1) Obtaining or attempting to obtain a license by fraud or misrepresentation.

(2) Conviction in this State or another state of any crime that is a felony or misdemeanor under the laws of this State or conviction of a felony or misdemeanor in a federal court.

(3) Violation of the laws of this State relating to the funeral, burial or disposal of deceased human bodies or of the rules and regulations of the Department, or the Department of Public Health.

(4) Directly or indirectly paying or causing to be paid any sum of money or other valuable consideration for the securing of business or for obtaining authority to dispose of any deceased human body.

(5) ~~Professional incompetence, gross malpractice, Incompetence~~ or untrustworthiness in the practice of funeral directing and embalming or funeral directing.

(6) False or misleading advertising as a funeral director and embalmer or funeral director, or advertising or using the name of a person other than the holder of a license in connection with any service being rendered in the practice of funeral directing and embalming or funeral directing. Nothing in this paragraph shall prevent including the name of any owner, officer or corporate director of a funeral business who is not a licensee in any advertisement used by a funeral home with which the individual is affiliated if the advertisement specifies the individual's affiliation with the funeral home.

(7) Engaging in, promoting, selling, or issuing burial contracts, burial certificates, or burial insurance policies in connection with the profession as a funeral director and embalmer, funeral director, or funeral director and embalmer intern in violation of any laws of the State of Illinois.

(8) Refusing, without cause, to surrender the custody of a deceased human body upon the proper request of the person or persons lawfully entitled to the custody of the body.

(9) Taking undue advantage of a client or clients as to amount to the perpetration of fraud.

(10) Engaging in funeral directing and embalming or funeral directing without a license.

(11) Encouraging, requesting, or suggesting by a licensee or some person working on his

behalf and with his consent for compensation that a person utilize the services of a certain funeral director and embalmer, funeral director, or funeral establishment unless that information has been expressly requested by the person. This does not prohibit general advertising or pre-need solicitation.

(12) Making or causing to be made any false or misleading statements about the laws concerning the disposal of human remains, including, but not limited to, the need to embalm, the need for a casket for cremation or the need for an outer burial container.

(13) ~~(Blank). Continued practice by a person having an infectious or contagious disease.~~

(14) Embalming or attempting to embalm a deceased human body without express prior authorization of the person responsible for making the funeral arrangements for the body. This does not apply to cases where embalming is directed by local authorities who have jurisdiction or when embalming is required by State or local law.

(15) Making a false statement on a Certificate of Death where the person making the statement knew or should have known that the statement was false.

(16) Soliciting human bodies after death or while death is imminent.

(17) Performing any act or practice that is a violation of this Code, the rules for the administration of this Code, or any federal, State or local laws, rules, or regulations governing the practice of funeral directing or embalming.

(18) Performing any act or practice that is a violation of Section 2 of the Consumer Fraud and Deceptive Business Practices Act.

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

(20) Taking possession of a dead human body without having first obtained express permission from next of kin or a public agency legally authorized to direct, control or permit the removal of deceased human bodies.

(21) Advertising in a false or misleading manner or advertising using the name of an unlicensed person in connection with any service being rendered in the practice of funeral directing or funeral directing and embalming. The use of any name of an unlicensed or unregistered person in an advertisement so as to imply that the person will perform services is considered misleading advertising. Nothing in this paragraph shall prevent including the name of any owner, officer or corporate director of a funeral home, who is not a licensee, in any advertisement used by a funeral home with which the individual is affiliated, if the advertisement specifies the individual's affiliation with the funeral home.

(22) Directly or indirectly receiving compensation for any professional services not actually performed.

(23) Failing to account for or remit any monies, documents, or personal property that belongs to others that comes into a licensee's possession.

(24) Treating any person differently to his detriment because of race, color, creed, gender, religion, or national origin.

(25) Knowingly making any false statements, oral or otherwise, of a character likely to influence, persuade or induce others in the course of performing professional services or activities.

(26) Knowingly making or filing false records or reports in the practice of funeral directing and embalming.

(27) Failing to acquire continuing education required under this Code.

(28) Violations of this Code or of the rules adopted pursuant to this Code.

(29) Aiding or assisting another person in violating any provision of this Code or rules adopted pursuant to this Code.

(30) Failing within 10 days, to provide information in response to a written request made by the Department.

(31) Discipline by another state, District of Columbia, territory, 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.

(32) 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 professional services not actually or personally rendered.

(33) Inability to practice the profession with reasonable judgment, skill, or safety.

(34) Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

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



~~(36)~~ ~~(28)~~ Failing to comply with any of the following required activities:

(A) When reasonably possible, a funeral director licensee or funeral director and embalmer licensee or anyone acting on his or her behalf shall obtain the express authorization of the person or persons responsible for making the funeral arrangements for a deceased human body prior to removing a body from the place of death or any place it may be or embalming or attempting to embalm a deceased human body, unless required by State or local law. This requirement is waived whenever removal or embalming is directed by local authorities who have jurisdiction. If the responsibility for the handling of the remains lawfully falls under the jurisdiction of a public agency, then the regulations of the public agency shall prevail.

(B) A licensee shall clearly mark the price of any casket offered for sale or the price of any service using the casket on or in the casket if the casket is displayed at the funeral establishment. If the casket is displayed at any other location, regardless of whether the licensee is in control of that location, the casket shall be clearly marked and the registrant shall use books, catalogues, brochures, or other printed display aids to show the price of each casket or service.

(C) At the time funeral arrangements are made and prior to rendering the funeral services, a licensee shall furnish a written statement of services to be retained by the person or persons making the funeral arrangements, signed by both parties, that shall contain: (i) the name, address and telephone number of the funeral establishment and the date on which the arrangements were made; (ii) the price of the service selected and the services and merchandise included for that price; (iii) a clear disclosure that the person or persons making the arrangement may decline and receive credit for any service or merchandise not desired and not required by law or the funeral director or the funeral director and embalmer; (iv) the supplemental items of service and merchandise requested and the price of each item; (v) the terms or method of payment agreed upon; and (vi) a statement as to any monetary advances made by the registrant on behalf of the family. The licensee shall maintain a copy of the written statement of services in its permanent records. All written statements of services are subject to inspection by the Department.

(D) In all instances where the place of final disposition of a deceased human body or the cremated remains of a deceased human body is a cemetery, the licensed funeral director and embalmer, or licensed funeral director, who has been engaged to provide funeral or embalming services shall remain at the cemetery and personally witness the placement of the human remains in their designated grave or the sealing of the above ground depository, crypt, or urn. The licensed funeral director or licensed funeral director and embalmer may designate a licensed funeral director and embalmer intern or representative of the funeral home to be his or her witness to the placement of the remains. If the cemetery authority, cemetery manager, or any other agent of the cemetery takes any action that prevents compliance with this paragraph (D), then the funeral director and embalmer or funeral director shall provide written notice to the Department within 5 business days after failing to comply. If the Department receives this notice, then the Department shall not take any disciplinary action against the funeral director and embalmer or funeral director for a violation of this paragraph (D) unless the Department finds that the cemetery authority, manager, or any other agent of the cemetery did not prevent the funeral director and embalmer or funeral director from complying with this paragraph (D) as claimed in the written notice.

(E) A funeral director or funeral director and embalmer shall fully complete the portion of the Certificate of Death under the responsibility of the funeral director or funeral director and embalmer and provide all required information. In the event that any reported information subsequently changes or proves incorrect, a funeral director or funeral director and embalmer shall immediately upon learning the correct information correct the Certificate of Death.

~~(37)~~ ~~(29)~~ A finding by the Department that the license, after having his or her license placed on probationary status or subjected to conditions or restrictions, violated the terms of the probation or failed to comply with such terms or conditions.

~~(38)~~ ~~(30)~~ Violation of any final administrative action of the Secretary Director.

~~(39)~~ ~~(34)~~ Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act and, upon proof by clear and convincing evidence, being found to have caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(c) The Department may refuse to issue or renew, or may suspend, the license of any person who fails to file a return, to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest as required by any tax Act administered by the Illinois Department of Revenue, until the time as the requirements of the tax Act are satisfied.

(d) No action may be taken under this Code against a person licensed under this Code unless the action is commenced within 5 years after the occurrence of the alleged violations. A continuing violation shall be deemed to have occurred on the date when the circumstances last existed that give rise to the alleged violation.

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 41/15-77 new)

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

Sec. 15-77. Method of payment, receipt. No licensee shall require payment for any goods or services by cash only. Each licensee subject to this Section shall permit payment by at least one other option, including, but not limited to, personal check, cashier's check, money order, or credit or debit card. In addition to the statement of services, the licensee shall provide a receipt to the consumer upon payment in part or in full, whatever the case may be.

(225 ILCS 41/15-85)

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

Sec. 15-85. Duties of public institution; regulation by local government. No provision of this Code shall apply to, or in any way interfere with, the duties of any officer of any public institution; nor with the duties of any officer of a medical college, county medical society, anatomical association, college of embalming, or any other recognized person carrying out the laws of the State of Illinois prescribing the conditions under which indigent dead human bodies are held subject for scientific or anatomical study; nor with the customs or rites of any religious sect in the burial of their dead.

~~Nothing in this Code shall have the effect of limiting the power of cities and villages to tax, license and regulate funeral directors, undertakers and undertaking establishments as may be authorized from time to time by general law.~~

(Source: P.A. 87-966.)

(225 ILCS 41/15-91 new)

Sec. 15-91. Denial of license. If the Department determines that an application for licensure should be denied pursuant to Section 15-75, then the applicant shall be sent a notice of intent to deny license or exemption from licensure and the applicant shall be given the opportunity to request, within 20 days of the notice, a hearing on the denial. If the applicant requests a hearing, then the Secretary shall schedule a hearing within 30 days after the request for a hearing, unless otherwise agreed to by the parties. The Secretary shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer. The hearing officer shall have full authority to conduct the hearing. The hearing shall be held at the time and place designated by the Secretary. The Secretary shall have the authority to prescribe rules for the administration of this Section.

(225 ILCS 41/15-100 new)

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

Sec. 15-100. Conflict of interest. No investigator may hold an active license issued pursuant to this Code, nor may an investigator have a financial interest in a business licensed under this Code. Any individual licensed under this Code who is employed by the Department shall surrender his or her license to the Department for the duration of that employment. The licensee shall be exempt from all renewal fees while employed by the Department.

(225 ILCS 41/15-105 new)

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

Sec. 15-105. Civil Administrative Code. The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois and shall exercise all other powers and duties set forth in this Code.

(225 ILCS 41/15-110 new)

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

Sec. 15-110. Rules. The Department may adopt rules for the administration and enforcement of this Code. The rules shall include standards for licensure, professional conduct, and discipline.

(225 ILCS 41/20-15)

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

Sec. 20-15. Home rule; mandates. The regulation and licensing provided for in this Code are exclusive powers and functions of the State. A home rule unit may not regulate or license funeral directors, funeral director and embalmers, customer service employees, or any activities relating to the services of funeral directing and embalming. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. ~~Nothing in this Code as initially~~

~~enacted (i) is a denial or limitation on home rule powers where no denial or limitation existed under prior law or (ii) creates a State mandate under the State Mandates Act where no mandate existed under prior law.~~  
(Source: P.A. 87-966.)

(225 ILCS 41/Art. 12 rep.)

Section 10. The Funeral Directors and Embalmers Licensing Code is amended by repealing Article 12."

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 5224. Having been read by title a second time on March 2, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Reitz offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 5224 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Tenants Radon Protection Act.

Section 5. Findings. Radon is a radioactive element that is part of the radioactive decay chain of naturally occurring uranium in soil. Unlike carbon monoxide and many other home pollutants, radon's adverse health effect, lung cancer, is usually not produced immediately.

Section 10. Definitions. For purposes of this Act:

"Dwelling unit" means a room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence and each living unit in a mixed use building.

"IEMA" means the Illinois Emergency Management Agency.

"Landlord" means, but is not limited to, an individual, company, corporation, firm, group, association, partnership, joint venture, trust, government agency, or subdivision leasing a dwelling unit to a tenant.

"Lease" means an oral or written agreement under which a property owner allows a tenant to use the property for a specified period of time and rent.

"Mitigation" means the act of repairing or altering a building or building design for the purpose in whole or in part of reducing the concentration of radon in the indoor atmosphere according to procedures described in 32 Illinois Administrative Code 422.

"Radon" means a gaseous radioactive decay product of uranium or thorium.

"Radon contractor" means a person licensed in accordance with the Radon Industry Licensing Act to perform radon mitigation or to perform measurements of radon in an indoor atmosphere.

"Radon hazard" means exposure to indoor radon concentrations at or in excess of the IEMA's recommended Radon Action Level (4.0 pCi/L).

"Radon test" means a measurement of indoor radon concentrations in accordance with the provisions of 32 Illinois Administrative Code 422 for performing radon measurements.

"Tenant" means a person who is about to enter or has entered into an oral or written lease with a landlord whereby the person leases the dwelling unit.

Section 15. Radon testing and disclosure.

(a) At the time of or before a lease is entered into, or at any time that a lease is in effect, the landlord shall provide to each tenant in a dwelling unit on or below the third floor any records or reports pertaining to radon concentrations within the dwelling unit that present a radon hazard to the tenant in accordance with subsection (e).

(b) If a tenant performs a radon test, the tenant shall provide to the landlord any records or reports pertaining to radon concentrations within 10 days after receiving the measurement result.

(c) Nothing in this Section is intended to or shall be construed to imply an obligation to conduct any radon testing activities.

(d) The landlord shall provide to the tenant the IEMA pamphlet entitled "IEMA Radon Guide for Tenants" or an equivalent pamphlet approved for use by IEMA.

(e) The Disclosure of Information on Radon Hazards to be provided to each tenant of a dwelling unit as required by this Section is as follows:

DISCLOSURE OF INFORMATION ON RADON HAZARDS

(For Rental Property)

Radon Warning Statement

Each tenant in this residence is notified that the property may present exposure to levels of indoor radon gas that may place the occupants at risk of developing radon-induced lung cancer. Radon, a Class-A human carcinogen, is the leading cause of lung cancer in non-smokers and the second leading cause overall. The landlord of any residence is required to provide each tenant with any information on radon test results of the dwelling unit that presents a radon hazard to the tenant.

The Illinois Emergency Management Agency (IEMA) strongly recommends that ALL rental property have a radon test performed and if elevated levels of radon are found, that the radon be mitigated. Elevated radon concentrations can easily be reduced by a radon contractor.

Property address .....

Landlord's Disclosure (initial each of the following which applies)

- (1) ..... Landlord has no knowledge of elevated radon concentrations (or records or reports pertaining to elevated radon concentrations) in the dwelling unit.
- (2) ..... Radon concentrations (above IEMA recommended Radon Action Level 4.0 pCi/L) are known to be present within the dwelling unit. (Explain)
- (3) ..... Landlord has provided the tenant with all available records and reports pertaining to radon concentrations within the dwelling unit.

Tenant's Acknowledgment (initial)

- (4) ..... Tenant has received copies of all information listed above.
- (5) ..... Tenant has received pamphlet "IEMA Radon Guide for Tenants".

Certification of Accuracy

The following parties have reviewed the information above and each party certifies, to the best of his or her knowledge, that the information he or she provided is true and accurate.

Landlord ..... Date .....

Tenant ..... Date .....

Section 20. Mitigation of radon hazard.

(a) The landlord may have 30 days after notification by the tenant to have a radon test performed by a radon contractor to confirm a radon test performed by the tenant. This measurement by a radon contractor is valid for a period of 5 years from the date of the testing.

(b) Landlords deciding to have radon mitigation performed shall have the mitigation system installed by a radon contractor.

(c) Tenants deciding to have radon mitigation performed shall have the mitigation system installed by a radon contractor. Tenants shall have the landlord's consent prior to undertaking any mitigation activities.

(d) Nothing in this Section is intended to or shall be construed to imply an obligation to conduct any radon testing or mitigation activities.

Section 25. Home rule. A home rule unit may not regulate lease agreements in a manner that diminishes the rights of tenants under 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 99. Effective date. This Act takes effect January 1, 2011."

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 5991. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Health Care Licenses, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5991 by replacing everything after the enacting clause with the following:

"Section 5. The Podiatric Medical Practice Act of 1987 is amended by changing Section 24 and adding Section 24.2 as follows:

(225 ILCS 100/24) (from Ch. 111, par. 4824)

(Section scheduled to be repealed on January 1, 2018)

Sec. 24. Grounds for disciplinary action. The Department may refuse to issue, may refuse to renew, may refuse to restore, may suspend, or may revoke any license, or may place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed \$10,000 for each violation upon anyone licensed under this Act for any of the following reasons:

- (1) Making a material misstatement in furnishing information to the Department.
- (2) Violations of this Act, or of the rules or regulations promulgated hereunder.
- (3) Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony under the laws of the United States or any state or territory of the United States that is a misdemeanor, of which an essential element is dishonesty, or of any crime that is directly related to the practice of the profession.
- (4) Making any misrepresentation for the purpose of obtaining licenses, or violating any provision of this Act or the rules promulgated thereunder pertaining to advertising.
- (5) Professional incompetence.
- (6) Gross or repeated malpractice or negligence.
- (7) Aiding or assisting another person in violating any provision of this Act or rules.
- (8) Failing, within 30 days, to provide information in response to a written request made by the Department.
- (9) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.
- (10) Habitual or excessive use of alcohol, narcotics, stimulants or other chemical agent or drug that results in the inability to practice podiatric medicine with reasonable judgment, skill or safety.
- (11) Discipline by another United States jurisdiction if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.
- (12) ~~Violation of the prohibition against fee splitting in Section 24.2 of this Act. 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 services not actually or personally rendered. This shall not be deemed to include rent or other remunerations paid to an individual, partnership, or corporation, by a licensee, for the lease, rental or use of space, owned or controlled, by the individual, partnership or corporation.~~
- (13) A finding by the Podiatric Medical Licensing Board that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.
- (14) Abandonment of a patient.
- (15) Willfully making or filing false records or reports in his or her practice, including but not limited to false records filed with state agencies or departments.
- (16) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Report Act.
- (17) Physical illness, mental illness, or other impairment, including but not limited to, deterioration through the aging process, or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill or safety.
- (18) Solicitation of professional services other than permitted advertising.
- (19) The determination by a circuit court that a licensed podiatric physician is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Podiatric Medical Licensing Board to the Secretary that the licensee be allowed to resume his or her practice.
- (20) Holding oneself out to treat human ailments under any name other than his or her own, or the impersonation of any other physician.
- (21) Revocation or suspension or other action taken with respect to a podiatric medical license in another jurisdiction that would constitute disciplinary action under this Act.
- (22) Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such manner as to exploit the patient for financial gain of the podiatric physician.
- (23) Gross, willful, and continued overcharging for professional services including filing false statements for collection of fees for those services, including, but not limited to, filing false statement for collection of monies for services not rendered from the medical assistance program of the

Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code or other private or public third party payor.

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

(25) Willfully making or filing false records or reports in the practice of podiatric medicine, including, but not limited to, false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(26) (Blank).

(27) Immoral conduct in the commission of any act including, sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice.

(28) Violation of the Health Care Worker Self-Referral Act.

(29) Failure to report to the Department any adverse final action taken against him or her by another licensing jurisdiction (another state or a territory of the United States or a foreign state or country) by a peer review body, by any health care institution, by a professional society or association related to practice under this Act, by a governmental agency, by a law enforcement agency, or by a court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this Section.

The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

Upon receipt of a written communication from the Secretary of Human Services, the Director of Healthcare and Family Services (formerly Director of Public Aid), or the Director of Public Health that continuation of practice of a person licensed under this Act constitutes an immediate danger to the public, the Secretary may immediately suspend the license of such person without a hearing. In instances in which the Secretary immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Board within 15 days after such suspension and completed without appreciable delay, such hearing held to determine whether to recommend to the Secretary that the person's license be revoked, suspended, placed on probationary status or reinstated, or such person be subject to other disciplinary action. In such hearing, the written communication and any other evidence submitted therewith may be introduced as evidence against such person; provided, however, the person or his counsel shall have the opportunity to discredit or impeach such evidence and submit evidence rebutting the same.

Except for fraud in procuring a license, all proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5 years after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described in this Section. Except for the grounds set forth in items (8), (9), (26), and (29) of this Section, no action shall be commenced more than 10 years after the date of the incident or act alleged to have been a violation of this Section. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action, or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall have an additional period of 2 years from the date of notification to the Department under Section 26 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 24 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his

or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 30 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

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

(Source: P.A. 95-235, eff. 8-17-07; 95-331, eff. 8-21-07.)

(225 ILCS 100/24.2 new)

(Section scheduled to be repealed on January 1, 2018)

Sec. 24.2. Prohibition against fee splitting.

(a) A licensee under this Act may not directly or indirectly divide, share, or split any professional fee or other form of compensation for professional services with anyone in exchange for a referral or otherwise, other than as provided in this Section 24.2.

(b) Nothing contained in this Section abrogates the right of 2 or more licensed health care workers as defined in the Health Care Worker Self-Referral Act to each receive adequate compensation for concurrently rendering services to a patient and to divide the fee for such service, whether or not the worker is employed, provided that the patient has full knowledge of the division and the division is made in proportion to the actual services personally performed and responsibility assumed by each licensee consistent with his or her license, except as prohibited by law.

(c) Nothing contained in this Section prohibits a licensee under this Act from practicing podiatry through or within any form of legal entity authorized to conduct business in this State or from pooling, sharing, dividing, or apportioning the professional fees and other revenues in accordance with the agreements and policies of the entity provided:

(1) each owner of the entity is licensed under this Act; or

(2) the entity is organized under the Professional Services Corporation Act, the Professional Association Act, or the Limited Liability Company Act; or

(3) the entity is allowed by Illinois law to provide podiatry services or employ podiatrists such as a licensed hospital or hospital affiliate or licensed ambulatory surgical treatment center owned in full or in part by Illinois-licensed physicians; or

(4) the entity is a combination or joint venture of the entities authorized under this subsection (c).

(d) Nothing contained in this Section prohibits a licensee under this Act from paying a fair market value fee to any person or entity whose purpose is to perform billing, administrative preparation, or collection services based upon a percentage of professional service fees billed or collected, a flat fee, or any other arrangement that directly or indirectly divides professional fees, for the administrative preparation of the licensee's claims or the collection of the licensee's charges for professional services, provided that:

(1) the licensee or the licensee's practice under subsection (c) of this Section at all times controls the amount of fees charged and collected; and

(2) all charges collected are paid directly to the licensee or the licensee's practice or are deposited directly into an account in the name of and under the sole control of the licensee or the licensee's practice or deposited into a "Trust Account" by a licensed collection agency in accordance with the requirements of Section 8(c) of the Illinois Collection Agency Act.

(e) Nothing contained in this Section prohibits the granting of a security interest in the accounts receivable or fees of a licensee under this Act or the licensee's practice for bona fide advances made to the licensee or licensee's practice provided the licensee retains control and responsibility for the collection of the accounts receivable and fees.

(f) Excluding payments that may be made to the owners of or licensees in the licensee's practice under subsection (c) of this Section, a licensee under this Act may not divide, share or split a professional service fee with, or otherwise directly or indirectly pay a percentage of the licensee's professional service fees, revenues or profits to anyone for: (i) the marketing or management of the licensee's practice, (ii) including the licensee or the licensee's practice on any preferred provider list, (iii) allowing the licensee to participate in any network of health care providers, (iv) negotiating fees, charges or terms of service or payment on behalf of the licensee, or (v) including the licensee in a program whereby patients or beneficiaries are provided an incentive to use the services of the licensee.

(g) Nothing contained in this Section prohibits the payment of rent or other remunerations paid to an individual, partnership, or corporation by a licensee for the lease, rental, or use of space, owned or controlled by the individual, partnership, corporation, or association.

(h) Nothing contained in this Section prohibits the payment, at no more than fair market value, to an individual, partnership, or corporation by a licensee for the use of staff, administrative services, franchise agreements, marketing required by franchise agreements, or equipment owned or controlled by the individual, partnership, or corporation, or the receipt thereof by a licensee."

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 held on the order of Second Reading: HOUSE BILL 5596.

HOUSE BILL 5590. Having been reproduced, was taken up and read by title a second time. Representative Moffitt offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 5590 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 3-611.7 as follows:  
(625 ILCS 5/3-611.7 new)

Sec. 3-611.7. Retired Fire Chief license plates.

(a) As used in this Section, "retired fire chief" means a person who has served as the fire chief of a municipal fire department or fire protection district and has retired as fire chief from the municipal fire department or fire protection district.

(b) The Secretary, upon receipt of a request from a retired fire chief, accompanied by an application and the appropriate fee, may issue, to a retired fire chief special registration plates designated as Retired Fire Chief license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds, owned by the retired fire chief. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(c) The design and color of the special plates shall be wholly within the discretion of the Secretary. The plates are not required to designate "Land of Lincoln" as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary may prescribe rules governing the requirements and approval of the special plates. The fee for this plate for a vehicle owned by the retired fire chief shall be the same as the fee prescribed for first division vehicles in Section 3-806 of this Code.

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.



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 5019.

### 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 Reboletti, HOUSE BILL 5381 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; 2, 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.

### HOUSE BILLS ON SECOND READING

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 4847 and 6038.

HOUSE BILL 5007. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Juvenile Justice Reform, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5007 on page 1, line 17, after "death", by inserting "and the factors contributing to the death"; and

on page 4, after line 3, by inserting the following:

"(12) Representative of the Office of the Governor's Executive Inspector General."; and  
on page 4, line 14, by replacing "shall" with "may"; and  
on page 5, line 15, after "including", by inserting ", but not limited to, the"; and  
on page 5, line 26, by replacing "Promote" with "Recommend".

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 6416. Having been reproduced, was taken up and read by title a second time.

Floor Amendment No. 1 lost in the Committee on State Government Administration.

Representative Zalewski offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 6416 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Explosives Act is amended by changing Sections 1002, 1003, 1004, 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2008, 2011, 3000, 3001, 3002, 4002, 4003, 5001, 5003, 5004, 5006, 5008, and 5010 and by adding Section 1005 as follows:

(225 ILCS 210/1002) (from Ch. 96 1/2, par. 1-1002)

Sec. 1002. Legislative Declaration. It is hereby declared to be the policy of this State that safety and security are primary considerations in the storage, use, acquisition, possession, disposal and transfer of explosive materials.

An appropriate and thorough system of training, licensing, and certification is necessary to promote these considerations by assuring that these products are handled only by qualified persons.

(Source: P.A. 86-364.)

(225 ILCS 210/1003) (from Ch. 96 1/2, par. 1-1003)

Sec. 1003. Definitions. As used in this Act:

(a) "Person" means any individual, corporation, company, association, partnership, or other legal entity.

(b) "Explosive materials" means explosives, blasting agents, and detonators.

(c) "Explosive" means any chemical compound, mixture, or device (1) ; the primary or common purpose of which is to function by explosion and (2) that is classified as a Division 1.1, 1.2, or 1.3 material under 49 CFR 173.50, as now or hereafter amended, renumbered, or succeeded. The term includes high and or low explosives. Manufactured articles, including, but not limited to, fixed ammunition for small arms, fire crackers, safety fuses, and matches are not explosives when the individual units contain explosives in such limited quantity and of such nature or in such packing that it is impossible to produce a simultaneous or a destructive explosion of such units which would be injurious to life, limb or property.

(d) "Blasting agent" means any material or mixture that (1) consists consisting of a fuel and oxidizer intended for blasting, not otherwise defined as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 blasting cap, as defined by the Bureau of Alcohol, Tobacco, and Firearms and Explosives, U.S. Department of Treasury, when unconfined and (2) is classified as a Division 1.5 material under 49 CFR 173.50, as now or hereafter amended, renumbered, or succeeded.

(d-5) "Crime punishable by imprisonment for a term exceeding one year" does not mean (1) any federal or state offenses pertaining to antitrust violations, unfair trade practices, restraint of trade, or similar offenses relating to the regulation of business practices as the Secretary of the Treasury may by regulation designate or (2) any State offense, other than one involving a firearm or explosive, classified by the laws of the State as a misdemeanor or punishable by a term of imprisonment of 2 years or less.

(e) "Detonator" means any device that (1) contains containing any initiating or primary explosive that is used for initiating detonation and (2) is classified as Division 1.1 or 1.4 material under 49 CFR 173.50, as now or hereafter amended, renumbered, or succeeded. A detonator may not contain more than 10 grams of total explosives by weight, excluding ignition or delay charges.

(f) "Highway" means any public street, public road highway, or public alley and includes privately financed, constructed, or maintained roads that are regularly and openly traveled by the general public.

(g) "Railroad" or "railway" means any public steam, electric or other railroad or rail system which carries passengers for hire, but shall not include auxiliary tracks, spurs and sidings installed and primarily used in serving any mine, quarry or plant.

(h) "Building" means and includes any building regularly occupied, in whole or in part, as a habitation for human beings, and any church, schoolhouse, railway station or other building where people are accustomed to assemble, but does not mean or include any buildings of a mine or quarry or any of the buildings of a manufacturing plant where the business of manufacturing explosive materials is conducted.

(i) "Factory building" means any building or other structure in which the manufacture or any part of the manufacture of explosive materials is conducted.

(j) "Magazine" means any building or other structure or container, other than a factory building, used to store explosive materials. Where mobile or portable type 5 magazines are permissible and used, "magazine", for the purpose of obtaining certificates and calculating fees, means the site on which such magazines are located.

(k) "Magazine keeper" means a qualified supervisory person licensed by the Department under Article 2 of this Act who is responsible for the acquisition, storage, use, possession, transfer, and disposal of explosive materials, including inventory and transaction records, and responsible for the inventory and safe storage of explosive materials, including the proper maintenance of explosive materials, storage magazines, and surrounding areas.

(l) "Black powder" means a deflagrating or low explosive compound of an intimate mixture of sulfur, charcoal and an alkali nitrate, usually potassium or sodium nitrate.

(m) "Municipality" means includes cities, villages, and incorporated towns, and townships.

(n) "Fugitive from justice" means any individual who has fled from the jurisdiction of any court of record to avoid prosecution for any crime or to avoid giving testimony in any criminal proceeding. This term shall also include any individual who has been convicted of any crime and has fled to avoid imprisonment.

(o) "Department" means the Department of Natural Resources.

- (p) ~~(Blank) "Small arms" means guns of 50 calibers or less.~~
- (q) "Director" means the Director of Natural Resources.
- (r) "Storage certificate" means the certificate issued by the Department under Article 3 of this Act that authorizes the holder to store explosive materials in the magazine for which the certificate is issued.
- (s) "License" means that license issued by the Department under Article 2 of this Act authorizing the holder to possess, use, purchase, transfer or dispose of, but not to store, explosive materials.
- (t) "Transfer" of explosive materials means to sell, give, distribute, or otherwise dispose of explosive materials.
- (u) "Use" of explosive materials means the detonation, ignition, deflagration, or any other means of initiating explosive materials.
- (v) "Disposal" of explosive materials means to render inert pursuant to manufacturer's recommendations or commonly accepted industry standards.
- (w) "BATFE" means the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

(Source: P.A. 88-599, eff. 9-1-94; 89-445, eff. 2-7-96.)

(225 ILCS 210/1004) (from Ch. 96 1/2, par. 1-1004)

Sec. 1004. Scope. This Act is intended to supplement the requirements of any federal or State laws and regulations and shall apply to all acquisition, storage, use, possession, transfer and disposal of explosive materials, except as provided in Sections 1005, 2000, and 3000 of this Act ~~this Section~~.

- ~~(a) The licensing provisions of Article 2 do not apply to:~~
- ~~(1) agricultural fertilizers which might be of an explosive nature when the use of such fertilizers is for agricultural or horticultural purposes;~~
  - ~~(2) a common or contract carrier authorized to carry explosive material pursuant to the Interstate Commerce Act or by the Illinois Commerce Commission;~~
  - ~~(3) the purchase, receipt, possession or use, by an individual, of primers or propellant power used in muzzle loading firearms, hand loading, reloading or custom loading ammunition for small arms for his own use or for that of his immediate family;~~
  - ~~(4) the possession or purchase from dealers, importers or manufacturers by any person who holds a valid Illinois Firearm Owner's Identification Card of smokeless small arms propellant in quantities not to exceed 25 pounds, black powder not to exceed 5 pounds, and small arms primers or percussion caps for muzzle loading arms in containers provided by the manufacturer or containers generally recognized as being suitable for the transportation and storage, or commerce in these items at retail, or the transportation or use of the items by any such person in muzzle loading small arms, or in loading ammunition for small arms; or~~
  - ~~(5) The acquisition, possession, use, transfer or disposal of explosive materials in connection with mine, quarry, construction, manufacturing or wholesale or retail dealership operations in the ordinary course of business provided that (A) the operator has obtained a storage certificate from the Department in accordance with Article 3 of this Act, (B) the acquisition, possession, use, transfer or disposal of explosive materials is limited to the operator's business operations, and (C) the person or persons designated as "magazine keeper" satisfy the licensure requirements, other than an examination, of Article 2 of this Act.~~

~~(b) The storage requirements of Article 3 shall not apply to black powder in quantities not to exceed 5 pounds or smokeless powder explosives in quantities not to exceed 25 pounds, however:~~

- ~~(1) all black powder and smokeless powder shall be stored in shipping containers as required by regulations of the U.S. Department of Transportation, except as hereinafter provided;~~
- ~~(2) black powder in quantities not to exceed 5 pounds and smokeless powder in quantities not to exceed 25 pounds intended for personal use may be stored in original containers in a locked wooden box or cabinet having walls of at least one inch nominal thickness; and~~
- ~~(3) black powder in quantities exceeding 5 pounds shall be stored in magazines constructed and located as specified in this Act and no black powder or smokeless powder shall be commercially displayed.~~

~~(c) Notwithstanding the requirements of Articles 2 and 3, a person licensed as a manufacturer or dealer in explosive materials may sell, give or dispose of explosive materials to a non resident of Illinois who is duly licensed in the state of his residence. Possession and transportation within this State by such non-residents shall conform to the laws of this State, except that the requirements of Section 2001, requiring a license to be issued by the Department, shall not apply.~~

(Source: P.A. 86-364; 86-1298; 87-835.)

(225 ILCS 210/1005 new)

Sec. 1005. Exemptions.

(a) This Act does not apply to any aspect of the transporting of explosive materials via railroad, water,

highway, or air that is regulated by the United States Department of Transportation and agencies thereof, or state agencies with similar jurisdiction, and which pertains to safety.

A person who is licensed under Article 2 of this Act or holds a storage certificate under Article 3 of this Act may transfer explosive materials to a non-resident of Illinois if the transfer is limited to the purpose of transporting the explosive materials. The non-resident may not use or store explosive materials within Illinois unless he or she is licensed under Article 2 of this Act or holds a storage certificate under Article 3 of this Act.

(b) This Act does not apply to an agricultural fertilizer if the use of the agricultural fertilizer is for agricultural or horticultural purposes.

(c) This Act does not apply to the possession, use, purchase, transfer, storage, or disposal of explosive material by United States military or other agencies of the United States; or to arsenals, navy yards, depots, or other establishments owned or operated by the United States.

(d) Government agencies and their employees that are (1) subject to the requirements of this Act and, (2) in the exercise of their official emergency response functions, are required to store, use, or possess explosive materials, shall not be subject to any fee required by this Act.

(225 ILCS 210/2000) (from Ch. 96 1/2, par. 1-2000)

Sec. 2000. Scope; exemptions.

(a) The license requirements of this Article apply to all explosive materials unless otherwise excepted under this Section or Section 1005 of this Act.

(b) This Article does not apply to the purchase, receipt, possession, or use of black powder solely for sporting, recreational, or cultural purposes by an individual for his or her own use or for his or her immediate family living in the same household. This includes components for use in muzzle loading firearms and other antique devices and hand loading, reloading, or custom loading fixed ammunition.

(c) A person is not required to have a license under this Article for the acquisition, possession, use, transfer, or disposal of explosive materials in connection with mine, quarry, construction, manufacturing, or wholesale or retail explosive materials operations if (1) the person holds a storage certificate under Article 3 of this Act and (2) the acquisition, possession, use, transfer, or disposal of the explosive materials is limited to the purpose authorized by his or her storage certificate.

In addition to the person who holds the storage certificate, this exemption shall also apply to any employee, contractor, or other authorized individual if he or she is under the direct supervision of an individual who is either licensed under this Act, licensed for blasting operations or use of explosives in aggregate mining operations under the Surface-Mined Land Conservation and Reclamation Act, certified for blasting or use of explosives in mining operations under the Surface Coal Mining Land Conservation and Reclamation Act, or certified as a shot firer under the Coal Mining Act. Direct supervision requires the supervising individual to be physically present at all times during the use or disposal of the explosive materials.

(Source: P.A. 86-364.)

(225 ILCS 210/2001) (from Ch. 96 1/2, par. 1-2001)

Sec. 2001. Unlicensed activity; non-residents. No person shall acquire, possess, use, transfer, or dispose of purchase or transfer explosive materials unless licensed by the Department except as otherwise provided under Section 1005 or 2000 of by this Act and the Pyrotechnic Distributor and Operator Licensing Act.

(Source: P.A. 93-263, eff. 7-22-03; 94-385, eff. 7-29-05.)

(225 ILCS 210/2002) (from Ch. 96 1/2, par. 1-2002)

Sec. 2002. Original individual license; Application; Fees. Applications by individuals for original licenses shall be made to the Department, in writing, on forms prescribed by the Department. The application shall be accompanied by the required fee, which is not refundable. All license application fees collected under this provision of this Act shall be deposited into the Explosives Regulatory Fund. The application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license. It shall include, but need not be limited to, information concerning age, full name of applicant, present residence, date of birth, sex, physical description, social security number or drivers license number, and the purpose for which and the place or places where the explosive materials are to be used or possessed. Each applicant shall file, with his application, fingerprint based data, or other state of the art criminal identification data, cards in the form and manner required by the Illinois Department of State Police to enable the Illinois Department of State Police to conduct criminal history checks on the applicant.

(Source: P.A. 88-599, eff. 9-1-94.)

(225 ILCS 210/2003) (from Ch. 96 1/2, par. 1-2003)

Sec. 2003. Criminal history background Fingerprint card fees ; law enforcement exemption. Each applicant for a license shall submit, in addition to the license fee, a fee specified by the Illinois Department of State Police for processing fingerprint based data, or other state of the art criminal identification data, cards which may be made payable to the State Police Services Fund and shall be remitted to the Illinois Department of State Police for deposit into that fund. Law enforcement personnel who apply for an explosives license in order to carry out their official functions may be exempted from the criminal history background requirement provided the law enforcement agency submits documentation that the applicant has previously been subjected to a criminal history background check.

(Source: P.A. 86-364.)

(225 ILCS 210/2004) (from Ch. 96 1/2, par. 1-2004)

Sec. 2004. Investigation; Examination of applicant. Upon receipt of an application, the Department shall investigate the eligibility of the applicant. The Department has authority to request and receive from any federal, state or local governmental agency such information and assistance as will enable the Department ~~him~~ to carry out its ~~his~~ powers and duties under this Act. The Illinois Department of State Police shall cause the fingerprint based data or other state of the art criminal identification data fingerprints of each applicant to be compared with the fingerprint based data or other state of the art criminal identification data fingerprints of criminals now or hereafter filed with the Illinois Department of State Police and with federal law enforcement agencies maintaining official criminal identification fingerprint files. The investigation shall include, but is not limited to, an oral examination and a written examination as to the applicant's knowledge and ability regarding basic safety, possession, handling, use, storage, disposal and transportation of explosives. Passage of these examinations is prerequisite to being considered for license issuance. Such examinations may be administered by any person designated by the Department.

(Source: P.A. 87-835; 88-599, eff. 9-1-94.)

(225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

Sec. 2005. Qualifications for licensure.

(a) No person shall qualify to hold a license who:

(1) is under 21 years of age;

(2) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(3) is under indictment for a crime punishable by imprisonment for a term exceeding one year;

(4) is a fugitive from justice;

(5) is an unlawful user of or addicted to any controlled substance as defined in Section 102 of the federal Controlled Substances Act (21 U.S.C. Sec. 802 et seq.);

(6) has been adjudicated a mental defective; or

(7) is not a legal citizen of the United States.

(b) A person who has been granted a "relief from disabilities" regarding criminal convictions and indictments, pursuant to the federal Safe Explosives Act (18 U.S.C. Sec. 845) may receive a license provided all other qualifications under this Act are met.

A person is qualified to receive a license under this Act if the person meets the following minimum requirements:

(1) is at least 21 years of age;

(2) has not willfully violated any provisions of this Act;

(3) has not made any material misstatement or knowingly withheld information in connection with any original or renewal application;

(4) has not been declared incompetent by any competent court by reasons of mental or physical defect or disease unless a court has since declared him competent;

(5) does not abuse alcohol or prescription drugs or use illegal drugs;

(6) has not been convicted in any jurisdiction of any felony within the prior 5 years;

(7) is not a fugitive from justice;

(8) is of good moral character. Convictions of crimes not listed in subsection (6) of this Section may be taken into account in determining moral character but shall not operate as an absolute bar to licensure; and

(9) has passed the oral and written examinations required under Section 2004 of this Act.

A licensee shall continue to meet these requirements in order to maintain his license.

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 210/2007) (from Ch. 96 1/2, par. 1-2007)

Sec. 2007. Fee; Exemptions. Agencies of the United States, the State and its political and civil

subdivisions which are subject to the requirements of this Act, and which, in the exercise of their emergency response functions, are required to store, acquire, possess, use, transfer, or dispose of explosive materials ~~or possess explosive materials~~ shall not be liable for the payment of any fee required by this Act.

(Source: P.A. 86-364.)

(225 ILCS 210/2008) (from Ch. 96 1/2, par. 1-2008)

Sec. 2008. Issuance of license and renewals; notification of law enforcement officers ~~Renewal~~. The Department shall issue the appropriate license or renewal where the applicant satisfactorily meets the requirements of this Act and no grounds for refusal, revocation, or suspension exist. Within 10 days after the issuance of an original, replacement, or renewed license, the Department shall notify the appropriate law enforcement officer of the municipality or county where the explosive materials are to be used or possessed, and provide such officer with any other information pertaining thereto as the Director may prescribe.

(Source: P.A. 88-599, eff. 9-1-94.)

(225 ILCS 210/2011) (from Ch. 96 1/2, par. 1-2011)

Sec. 2011. Enforcement action; licenses. Refusal to issue or renew license; disciplinary actions.

(a) Failure to satisfy the age or examination requirements of Sections 2004 and 2005(1) shall result in automatic license denial.

(b) Subject to the provisions of Sections 5003 through 5005 of this Act, the Department may suspend, revoke, or shall refuse to issue or renew a license and may or shall take any other disciplinary action that as the Department may deem proper, including the imposition of fines not to exceed \$5,000 for each occurrence, if the applicant or licensee fails to comply with or satisfy the requirements of any provision of this Act and for any of the following reasons:

(1) Failure to meet or maintain the qualifications for licensure set forth in Section 2005.

(2) Willful disregard or violation of this Act or its rules.

(3) Willfully aiding or abetting another in the violation of this Act or its rules.

(4) Allowing a license issued under this Act to be used by an unlicensed person.

(5) Possession, use, acquisition, transfer, handling, disposal, or storage of explosive materials in a manner that endangers the public health, safety, or welfare.

(6) Refusal to produce records or reports or permit any inspection lawfully requested by the Department.

(7) Failure to make, keep, or submit any record or report required by this Act or its implementing regulations; or making, keeping, or submitting a false record or report.

(8) Material misstatement in the application for an original or renewal license.

(c) ~~(Blank). Subject to the provisions of Sections 5003 through 5005 of this Act, the Department shall refuse to issue or renew a license or shall take any other disciplinary action as the Department may deem proper, including the imposition of fines not to exceed \$5,000 for each occurrence, if the applicant or licensee fails to comply with or satisfy the requirements of any provision of this Act and for any of the following reasons:~~

~~(1) Refusal to produce records or reports or permit any inspection lawfully requested by the Department.~~

~~(2) Failure to make, keep, or submit any record or report required by this Act or its implementing regulations; or making, keeping, or submitting a false record or report.~~

~~(d) (Blank). Subject to the provisions of Sections 5003 through 5005 of this Act, violation of or non-compliance with any provision of this Act or its implementing regulations constitutes grounds for disciplinary action, license revocation, or both.~~

(e) All fines collected under this Section shall be deposited into the Explosives Regulatory Fund.

(Source: P.A. 87-835; 88-599, eff. 9-1-94.)

(225 ILCS 210/3000) (from Ch. 96 1/2, par. 1-3000)

Sec. 3000. Storage requirements; exemptions.

(a) No person, unless otherwise exempt ~~excepted~~, shall store explosive materials unless a storage certificate has been issued by the Department. The Department shall, by rule, establish requirements for the storage of explosive materials including magazine construction, magazine maintenance and the distances from which magazines or factory buildings must be separated from other magazines, buildings, railroads and highways. In establishing magazine construction, maintenance and distance requirements, the Department shall differentiate, as appropriate, between types, classifications and quantities of explosive materials and shall fully consider nationally recognized industry standards and the standards enforced by

agencies of the federal government including the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the Treasury.

(b) This Article does not apply to the purchase, receipt, possession, or use of black powder solely for sporting, recreational, or cultural purposes by an individual for his or her own use or for his or her immediate family living in the same household, unless the quantity of black powder is more than 5 pounds. Black powder in quantities greater than 5 pounds must be stored in accordance with this Article, regardless of the intended usage.

(Source: P.A. 86-364.)

(225 ILCS 210/3001) (from Ch. 96 1/2, par. 1-3001)

Sec. 3001. Storage requirements; Magazines.

(a) No person shall possess or store explosive materials unless such explosive materials are stored in a magazine or in a factory building in accordance with this Act except while being transported or being used in preparation for blasting ~~or while in the custody of a common carrier awaiting shipment or delivery to a consignee during the time permitted by federal law.~~

(b) Not more than 300,000 pounds of explosive materials shall be stored in any magazine at any one time.

~~(c) (Blank). Magazines in which explosive materials shall be lawfully kept or stored shall be constructed of brick, concrete, iron, wood covered with iron or other suitable materials. The magazine shall not have openings except for ventilation and entrance. Blasting caps, detonating or fulminating caps, or detonators shall be kept or stored in a separate magazine from magazines where other explosive materials are kept or stored and a storage certificate shall be obtained from the Department in accordance with Section 3002.~~

~~(d) (Blank). The doors of magazines shall be kept closed and locked at all times, except when opened for storage or removal of explosive materials by persons authorized to enter the magazine. Sufficient openings shall be provided for ventilation and shall be screened to prevent the entrance of sparks, except that magazines containing only black powder may be constructed without openings for ventilation. At each magazine site there shall at all times be kept conspicuously posted warning signs as specified by the Department. All explosive materials must be stored within the magazine in their original containers and such containers shall be plainly marked with the name of the explosive contained therein. Except for testing purposes in accordance with Section 5009, no individual shall discharge firearms within 500 feet of a magazine or factory building, or at or against any such building or magazine.~~

~~(e) (Blank). Magazines and the areas surrounding magazines shall be maintained, as provided by rule, to avoid fire or explosive hazards.~~

(Source: P.A. 86-364; 87-835.)

(225 ILCS 210/3002) (from Ch. 96 1/2, par. 1-3002)

Sec. 3002. Storage Certificates.

(a) No person shall store explosive materials until he has obtained a storage certificate from the Department. No storage certificate shall be required, however, where holes are drilled and the explosive materials are upon delivery, immediately and continuously loaded into the holes for blasting from the mobile container in which they were delivered. The container shall at all times be attended by an authorized agent or employee of the seller or the user of the explosive materials. In no event shall the mobile container of explosive materials be exempt unless it is completely unloaded for blasting. Every person to which this Section applies shall submit an application ~~report~~ to the Department, on forms furnished by the Department, containing the following information:

(1) the location or proposed location of a magazine;

(2) the kind and maximum quantity of explosive materials intended to be ~~generally~~ stored in the magazine; ~~and~~

(3) the distance or intended distance of the magazine from the nearest magazine, building, railroad and highway; ~~and~~

(4) the name, explosive license number, and residence and business addresses of the person designated as "magazine

keeper";

(5) a description of the purposes for which explosive materials are intended to be stored or used; and

(6) any other information that the Department deems necessary to implement the requirements of this

Act.

(b) All storage certificate application fees collected under this Act shall be deposited into the Explosives Regulatory Fund. Following receipt of an application ~~such report~~, the Department shall inspect the magazine. If it finds that the magazine is located and constructed in accordance with this Act and rules

~~adopted promulgated~~ by the Department, ~~then~~ it shall ~~determine the quantity of explosive materials that may be stored in such magazine and shall issue a storage certificate to the applicant showing compliance with this Act and the maximum quantity of explosive materials that may be stored in the magazine. The storage certificate shall be prominently and conspicuously posted at the magazine.~~

(c) A storage certificate holder's authority to store explosives shall be limited to the type, maximum quantity, and purpose specified in his or her application to the Department, unless the certificate holder is granted a modification to the storage certificate. The Department shall approve any modification to the storage certificate if the certificate holder requests a modification and he or she meets the requirements of this Act. If any person to whom the certificate has been issued keeps or stores explosive materials in excess of the amount authorized by the certificate, or stores explosives material for a different purpose than indicated in the application without first obtaining the Department's approval to modify the certificate, then the Department may cancel the certificate or initiate an enforcement action. Whenever there are changes in the physical conditions surrounding a magazine, such as the erection of buildings, operation of railways or opening of highways near such magazine, the Department shall, in accordance with the changed conditions, modify or cancel the certificate. Upon cancellation of the certificate, the magazine keeper ~~owner~~ shall immediately remove all explosive materials from the magazine. The magazine keeper ~~owner or user~~ of a magazine shall promptly notify the Department of any change in conditions.

(d) Storage certificates issued under this Act are not transferable. In the event of the lease, sale or other transfer of the business or operations covered by the certificate, the new owner, tenant or successor in interest must obtain the storage certificate required by this Article before storing explosive materials.

(e) No individual may act as a magazine keeper unless licensed under Article 2 of this Act.

(Source: P.A. 87-835; 88-599, eff. 9-1-94.)

(225 ILCS 210/4002) (from Ch. 96 1/2, par. 1-4002)

Sec. 4002. Reporting accidents, incidents, theft, or loss ~~Theft or loss.~~

(a) A licensee or certificate holder shall immediately report to the Department, in a manner and form prescribed by the Department, any incident or accident related to explosive materials that results in personal injury or property damage.

(b) The theft or loss of explosive materials shall be reported within 24 hours of the discovery by the licensee or certificate holder to the Department and to local law enforcement authorities.

(Source: P.A. 86-364.)

(225 ILCS 210/4003) (from Ch. 96 1/2, par. 1-4003)

Sec. 4003. Recordkeeping and inspection.

(a) All license and certificate holders shall maintain such records pertaining to the possession, use, purchase, transfer and storage of explosive materials as the Department may prescribe and shall furnish the Department or its authorized representatives such records or other relevant information legally requested by the Department or its representatives. In establishing record keeping requirements, the Department shall consider the requirements imposed by agencies of the federal government to avoid duplication or inconsistency. All records required by the Department related to the possession, use, purchase, transfer, or storage of explosive materials shall be maintained for a minimum of 3 years.

(b) (Blank). Every person selling or giving away an explosive material shall keep at his principal office or place of business a journal, book of record or other record setting forth, in legible writing, a complete history of the transaction, including the following: (1) the name and quantity of the explosive material, (2) the identification numbers of each stick and container, (3) the name, residence and business address of the purchaser, (4) the address to which the explosive material is to be delivered, if different, and (5) the name and address, social security number, driver's license number, and brief physical description of the individual taking the explosive material and the type and license number of the vehicle by which it is to be transported. The record keeping requirements of this subsection do not apply when such transaction is between the manufacturer of the explosive material and that manufacturer's employees when the explosive materials involved are being shipped by common carrier direct from the manufacturer's place of business. Such journal, book of record or other record shall be open to inspection by the Department or by law enforcement agencies. No explosive materials shall be sold, given away or otherwise disposed of or delivered to any person under 21 years of age, whether such person is acting for himself or another.

(c) All license and certificate holders shall permit their facilities to be inspected at reasonable times and in a reasonable manner by representatives of the Department.

(Source: P.A. 86-364; 87-835.)

(225 ILCS 210/5001) (from Ch. 96 1/2, par. 1-5001)

Sec. 5001. Powers, duties and functions of Department. In addition to the powers, duties and functions



vested in the Department by this Act, or by other laws of this State, the Department shall have the full powers and authority to carry out and administer this Act, including ~~has~~ the following powers, duties, and functions:

(a) To ~~adopt promulgate~~ reasonable rules consistent with this Act to carry out the purposes and enforce the provisions of this Act.

(b) To prescribe and furnish application forms, licenses, certificates and any other forms necessary under this Act.

(c) To prescribe examinations which reasonably test the applicant's knowledge of the safe and proper use, storage, possession, handling, and transfer of explosive materials.

(d) To establish and enforce reasonable standards for the use, storage, disposal and transfer of explosive materials.

(e) To issue licenses and certificates to qualified applicants who comply with the requirements of this Act and its rules.

(f) To suspend, revoke or refuse to issue or renew licenses or certificates, or take other disciplinary action, including the imposition of fines. All fines collected under this Act shall be deposited into the Explosives Regulatory Fund.

(g) To establish by rule the expiration and renewal period for licenses and certificates issued under this Act, and to establish and collect license and certificate application fees, ~~fingerprint card~~ fees required by the Illinois State Police for criminal identification purposes, and such other fees as are authorized or necessary under this Act.

(h) To conduct and prescribe rules of procedure for hearings under this Act.

(i) To appoint qualified inspectors to periodically visit places where explosive materials may be stored or used, and to make such other inspections as are necessary to determine satisfactory compliance with this Act.

(j) To receive data and assistance from federal, State and local governmental agencies, and to obtain copies of identification and arrest data from all federal, State and local law enforcement agencies for use in carrying out the purposes and functions of the Department and this Act.

(k) To receive and respond to inquiries from the industry, public, and agencies or instrumentalities of the State, and to offer advice, make recommendations and provide monitoring services pertinent to such inquiries regarding the safe and proper storage, handling, and use of explosive materials.

(l) To inform, advise, and assist ~~institute or cause to be instituted~~ legal proceedings in the circuit court by the State's Attorney of the county where any noncompliance with or violation of this Act occurs when the State's Attorney is seeking criminal charges against a person pursuant to Section 5010 or 5011 of this Act.

(m) To bring an action in the name of the Department, through the Attorney General of the State of Illinois, whenever it appears to the Department that any person is engaged or is about to engage in any acts or practices that constitute or may constitute a violation of the provisions of this Act or its rules, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon filing of a verified petition in such court, the court may issue a temporary restraining order without notice or bond and may preliminarily or 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 paragraph are in addition to, and not in lieu of, all other remedies and penalties provided for by this Act.

(n) The powers, duties and functions vested in the Department under the provisions of this Act shall not be construed to affect in any manner the powers, duties and functions vested in the Department under any other provision of law.

(Source: P.A. 87-835; 88-599, eff. 9-1-94.)

(225 ILCS 210/5003) (from Ch. 96 1/2, par. 1-5003)

Sec. 5003. Appeal to Department; Hearing; Notice.

(a) Whenever the Department intends to refuse to issue or renew or to suspend, revoke or take other disciplinary action with respect to a license or certificate, the Department shall give notice to the applicant or holder. Such notice shall be in writing, shall state specifically the grounds upon which the Department intends to take the indicated action and shall be served by delivery of the same personally to the applicant or holder, or by mailing the same by registered or certified mail to the applicant or holder's last known address. The aggrieved party may appeal to the Department for a hearing. The applicant or holder shall request such a hearing in writing within 30 days after notice is mailed. The provisions of Sections 5003 through 5005 shall not apply to decisions of the Department to deny a license or certificate based on an applicant's failure to satisfy any age or examination requirements.

(b) Upon the receipt of a request for a hearing, the Department shall order a hearing to be held. The

hearing proceedings shall be commenced within 30 days ~~after~~ of the receipt by the Department of the request for a hearing unless the hearing is continued for good cause at the request of any party. The Department shall, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license or certificate that a hearing will be held at the place and on the date designated in the notice to determine whether the applicant or holder is qualified to hold a license or certificate, and that the Department shall afford the applicant or holder an opportunity to be heard. Such written notice may be served by personal delivery to the applicant or holder, or by mailing the notice by registered or certified mail to the applicant or holder's last known address.

(c) At the time and place fixed in the notice, the Department shall proceed to hear the appeal, and all parties to the proceeding shall have the opportunity to present such statements, testimony, evidence and argument as may be relevant to the proceeding. Hearings shall be conducted by hearing officers appointed by the Department, and an authorized agent of the Department may administer oaths to witnesses at any hearing which the Department is authorized to conduct. The Department, if necessary, may continue such hearing from time to time. Hearing officers may authorize reasonable discovery by any party. The Illinois Code of Civil Procedure and Illinois Supreme Court rules shall not be applicable to hearing proceedings under this Section.

(d) Nothing in this Section shall be construed to limit the authority of the Department to deny, refuse to issue or renew, or suspend, revoke, or take other disciplinary action with respect to a license or certificate if the applicant or holder waives the right to a hearing by failing to request a hearing within the prescribed time after notice is mailed received.

(Source: P.A. 87-835; 88-599, eff. 9-1-94.)

(225 ILCS 210/5004) (from Ch. 96 1/2, par. 1-5004)

Sec. 5004. Record of proceedings; transcript. The Department or aggrieved party may shall provide at its or his or her expense a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case involving denial or refusal to issue or renew a license or certificate, or the suspension or revocation or other discipline of a license or certificate. Copies of the transcript of such record may be purchased from the certified shorthand reporter who prepared the record.

(Source: P.A. 86-364.)

(225 ILCS 210/5006) (from Ch. 96 1/2, par. 1-5006)

Sec. 5006. Actions without notice of hearing. Notwithstanding any other provision of this Act, whenever the Department finds that a condition or practice exists which could reasonably be expected to cause death or serious physical harm or property damage, and if the Department incorporates a finding to that effect in an order, it may summarily suspend or revoke a license or certificate, or order such immediate action as may be necessary to abate the condition or practice. Whenever summary action is taken under this Section, the Department shall, simultaneously with such action, serve upon the holder a copy of its order which shall be effective immediately. Upon the request of the aggrieved party, the Department shall conduct a hearing regarding its order in accordance with the requirements of Sections 5003, 5004, and 5005 of this Act. A hearing, if properly requested, shall be commenced within 15 days of the date of the order and concluded as soon as practicably possible.

(Source: P.A. 87-835; 88-599, eff. 9-1-94.)

(225 ILCS 210/5008) (from Ch. 96 1/2, par. 1-5008)

Sec. 5008. Administrative Review Law. All final administrative decisions of the Department under this Act are subject to judicial review pursuant to the Administrative Review Law (735 ILCS 5/3-101 et seq.), as now or hereafter amended, and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. Appeals from all orders and judgments entered by the court, in reviewing a final administrative decision of the Department, may be taken by any party to the action as in other civil cases. Pending final decision on such review, the acts, orders and rulings of the Department shall remain in full force and effect unless modified or suspended by order of court pending final judicial decision. The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be computed at the rate of 35 cents per page. Failure on the part of the plaintiff to file such receipt in court shall be grounds for dismissal of the action.

(Source: P.A. 88-599, eff. 9-1-94.)

(225 ILCS 210/5010) (from Ch. 96 1/2, par. 1-5010)

Sec. 5010. Unlawful possession. Any person subject to this Act who possesses an explosive material without having obtained a valid license or certificate under this Act is guilty of a Class 3 felony unless

otherwise exempted under Section 1005 or 2000 of this Act. Any person subject to this Act who transfers explosive material to a person who does not possess a valid license or certificate under this Act is guilty of a Class 3 felony unless otherwise exempted under Section 1005 or 2000 of this Act.

(Source: P.A. 86-364.)

(225 ILCS 210/3003 rep.) (225 ILCS 210/5002 rep.) (225 ILCS 210/5014 rep.)

Section 20. The Illinois Explosives Act is amended by repealing Sections 3003, 5002, and 5014.

Section 99. Effective date. This Act takes effect January 1, 2011."

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 5124. Having been reproduced, was taken up and read by title a second time.

Representative Rose offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 5124 by replacing everything after the enacting clause with the following:

"Section 5. The Children and Family Services Act is amended by adding Section 37 as follows:

(20 ILCS 505/37 new)

Sec. 37. Internal oversight review and unified report. As required in Section 1-37 of the Department of Human Services Act, the Department shall conduct an internal review and work in conjunction with the Department of Human Services and other State human services agencies in the development of a unified report to the General Assembly summarizing the provider contracts issued by the agencies; auditing requirements related to these contracts; licensing and training requirements subject to audits; mandated reporting requirements for grant recipients and contractual providers; the extent to which audits or rules are redundant or result in duplication; and proposed actions to address the redundancy or duplication.

Section 10. The Department of Human Services Act is amended by adding Section 1-37 as follows:

(20 ILCS 1305/1-37 new)

Sec. 1-37. Streamlined auditing and accreditation system.

(a) As used in this Section, "State human services agency" means the Department of Children and Family Services, the Department of Human Services, the Department of Healthcare and Family Services, and the Department of Public Health.

(b) Each State human services agency shall conduct an internal review and coordinate with other State human services agencies to file a unified report with the General Assembly summarizing the provider contracts issued by the agencies; auditing requirements related to these contracts; licensing and training requirements subject to audits; mandated reporting requirements for grant recipients and contractual providers; the extent to which audits or rules are redundant or result in duplication; and proposed actions to address the redundancy or duplication. The proposed actions shall seek to accomplish the development of a streamlined auditing and accreditation system and the streamlining of agency rules to reduce administrative costs associated with multiple and duplicative program and accreditation audits and duplication in agency oversight. To the extent feasible, the report shall include (i) necessary statutory changes and (ii) proposed rule changes needed to implement the proposed actions. The Department of Human Services shall serve as the lead agency in the development of the unified report.

(c) In addition to the information required by subsection (b), the portion of the report related to the Department of Human Services shall also include recommendations on how to address potential inefficiencies in the current oversight of agency providers and the potential outcomes from implementing system changes related to the following:

(1) Addressing redundant checks of policies and procedures which have already been reviewed for a particular provider, with the focus of the review instead on any changes which may have been made to policies or procedures.

(2) The use of consumer rights statements with terminology that is not consumer friendly and the need for a statewide, standardized consumer rights statement.

(3) Streamlining of review of individualized service plan requirements to ensure that sufficient review of plans occurs while eliminating the need for redundant reviews.

(4) The need for flexibility in scheduling service plan meetings to allow for time extensions in

circumstances where a guardian may not be able to attend due to illness or other temporary reasons.

(5) Standardization of staff training curriculum to expedite the review of curriculum and training previously approved by the Department of Human Services.

(6) The current use of random review of staff training documents instead of focusing reviews on newly hired individuals, which results in multiple reviews of the same file year after year.

(7) The use of redundant surveys for providers who consistently demonstrate compliance in previous surveys instead of focusing survey efforts on agencies with on-going compliance issues.

(d) Recommendations in the report shall include a primary focus on developing a coordinated, non-redundant process for providing quality, effective, and efficient oversight of grant recipients and contractual providers in a manner which ensures patient safety, the provision of quality treatment, and the limitation of fraud and abuse.

(e) The final unified report shall be filed with the General Assembly by January 1, 2011.

Section 15. The Department of Healthcare and Family Services Law is amended by adding Section 2205-15 as follows:

(20 ILCS 2205/2205-15 new)

Sec. 2205-15. Internal oversight review and unified report. As required in Section 1-37 of the Department of Human Services Act, the Department shall conduct an internal review and work in conjunction with the Department of Human Services and other State human services agencies in the development of a unified report to the General Assembly summarizing the provider contracts issued by the agencies; auditing requirements related to these contracts; licensing and training requirements subject to audits; mandated reporting requirements for grant recipients and contractual providers; the extent to which audits or rules are redundant or result in duplication; and proposed actions to address the redundancy or duplication.

Section 20. The Department of Public Health Powers and Duties Law is amended by adding Section 2310-12 as follows:

(20 ILCS 2310/2310-12 new)

Sec. 2310-12. Internal oversight review and unified report. As required in Section 1-37 of the Department of Human Services Act, the Department shall conduct an internal review and work in conjunction with the Department of Human Services and other State human services agencies in the development of a unified report to the General Assembly summarizing the provider contracts issued by the agencies; auditing requirements related to these contracts; licensing and training requirements subject to audits; mandated reporting requirements for grant recipients and contractual providers; the extent to which audits or rules are redundant or result in duplication; and proposed actions to address the redundancy or duplication.

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 BILL 5409. Having been reproduced, was taken up and read by title a second time. Representative Thapedi offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 5409 by replacing everything after the enacting clause with the following:

"Section 5. The Title Insurance Act is amended by changing Sections 3 and 16 and by adding Section 16.1 as follows:

(215 ILCS 155/3) (from Ch. 73, par. 1403)

Sec. 3. As used in this Act, the words and phrases following shall have the following meanings unless the context requires otherwise:

(1) "Title insurance business" or "business of title insurance" means:

(A) Issuing as insurer or offering to issue as insurer title insurance; and

(B) Transacting or proposing to transact one or more of the following activities when conducted or performed in contemplation of or in conjunction with the issuance of title insurance;

(i) soliciting or negotiating the issuance of title insurance;

(ii) guaranteeing, warranting, or otherwise insuring the correctness of title searches for all instruments affecting titles to real property, any interest in real property, cooperative units and proprietary leases, and for all liens or charges affecting the same;

(iii) handling of escrows, settlements, or closings;

(iv) executing title insurance policies;

(v) effecting contracts of reinsurance;

(vi) abstracting, searching, or examining titles; or

(vii) issuing insured closing letters or closing protection letters;

(C) Guaranteeing, warranting, or insuring searches or examinations of title to real property or any interest in real property, with the exception of preparing an attorney's opinion of title; or

(D) Guaranteeing or warranting the status of title as to ownership of or liens on real property and personal property by any person other than the principals to the transaction; or

(E) Doing or proposing to do any business substantially equivalent to any of the activities listed in this subsection, provided that the preparation of an attorney's opinion of title pursuant to paragraph (1)(C) is not intended to be within the definition of "title insurance business" or "business of title insurance".

(1.5) "Title insurance" means insuring, guaranteeing, warranting, or indemnifying owners of real or personal property or the holders of liens or encumbrances thereon or others interested therein against loss or damage suffered by reason of liens, encumbrances upon, defects in, or the unmarketability of the title to the property; the invalidity or unenforceability of any liens or encumbrances thereon; or doing any business in substance equivalent to any of the foregoing. "Warranting" for purpose of this provision shall not include any warranty contained in instruments of encumbrance or conveyance. Title insurance is a single line form of insurance, also known as monoline. An attorney's opinion of title pursuant to paragraph (1)(C) is not intended to be within the definition of "title insurance".

(2) "Title insurance company" means any domestic company organized under the laws of this State for the purpose of conducting the business of title insurance and any title insurance company organized under the laws of another State, the District of Columbia or foreign government and authorized to transact the business of title insurance in this State.

(3) "Title insurance agent" means a person, firm, partnership, association, corporation or other legal entity registered by a title insurance company and authorized by such company to determine insurability of title in accordance with generally acceptable underwriting rules and standards in reliance on either the public records or a search package prepared from a title plant, or both, and authorized by such title insurance company in addition to do any of the following: act as an escrow agent pursuant to subsections (f), (g), and (h) of Section 16 of this Act, solicit title insurance, collect premiums, or issue title insurance commitments reports, binders or commitments to insure and policies and endorsements of the title insurance company, in its behalf, provided, however, the term "title insurance agent" shall not include officers and salaried employees of any title insurance company.

(4) "Producer of title business" is any person, firm, partnership, association, corporation or other legal entity engaged in this State in the trade, business, occupation or profession of (i) buying or selling interests in real property, (ii) making loans secured by interests in real property, or (iii) acting as broker, agent, attorney, or representative of natural persons or other legal entities that buy or sell interests in real property or that lend money with such interests as security.

(5) "Associate" is any firm, association, partnership, corporation or other legal entity organized for profit in which a producer of title business is a director, officer, or partner thereof, or owner of a financial interest, as defined herein, in such entity; any legal entity that controls, is controlled by, or is under common control with a producer of title business; and any natural person or legal entity with whom a producer of title business has any agreement, arrangement, or understanding or pursues any course of conduct the purpose of which is to evade the provisions of this Act.

(6) "Financial interest" is any ownership interest, legal or beneficial, except ownership of publicly traded stock.

(7) "Refer" means to place or cause to be placed, or to exercise any power or influence over the placing of title business, whether or not the consent or approval of any other person is sought or obtained with respect to the referral.

(8) "Escrow Agent" means any title insurance company or any title insurance agent, including independent contractors of either, acting on behalf of a title insurance company which receives deposits, in trust, of funds or documents, or both, for the purpose of effecting the sale, transfer, encumbrance or lease of real property to be held by such escrow agent until title to the real property that is the subject of the escrow

is in a prescribed condition. An escrow agent conducting closings shall be subject to the provisions of paragraphs (1) through (4) of subsection (e) of Section 16 of this Act.

(9) "Independent Escrowee" means any firm, person, partnership, association, corporation or other legal entity, other than a title insurance company or a title insurance agent, which receives deposits, in trust, of funds or documents, or both, for the purpose of effecting the sale, transfer, encumbrance or lease of real property to be held by such escrowee until title to the real property that is the subject of the escrow is in a prescribed condition. Federal and State chartered banks, savings and loan associations, credit unions, mortgage bankers, banks or trust companies authorized to do business under the Illinois Corporate Fiduciary Act, licensees under the Consumer Installment Loan Act, real estate brokers licensed pursuant to the Real Estate License Act of 2000, as such Acts are now or hereafter amended, and licensed attorneys when engaged in the attorney-client relationship are exempt from the escrow provisions of this Act. "Independent Escrowee" does not include employees or independent contractors of a title insurance company or title insurance agent authorized by a title insurance company to perform closing, escrow, or settlement services.

(10) "Single risk" means the insured amount of any title insurance policy, except that where 2 or more title insurance policies are issued simultaneously covering different estates in the same real property, "single risk" means the sum of the insured amounts of all such title insurance policies. Any title insurance policy insuring a mortgage interest, a claim payment under which reduces the insured amount of a fee or leasehold title insurance policy, shall be excluded in computing the amount of a single risk to the extent that the insured amount of the mortgage title insurance policy does not exceed the insured amount of the fee or leasehold title insurance policy.

(11) "Department" means the Department of Financial and Professional Regulation.

(12) "Secretary" means the Secretary of Financial and Professional Regulation.

(13) "Insured closing letter" or "closing protection letter" means an indemnification or undertaking to a party to a real estate transaction, from a principal such as a title insurance company or similar entity, setting forth in writing the extent of the principal's responsibility for intentional misconduct or errors in closing the real estate transaction on the part of a settlement agent, such as a title insurance agent or other settlement service provider.

(14) "Residential real property" means a building or buildings consisting of one to 4 residential units or a residential condominium unit where at least one of the residential units or condominium units is occupied or intended to be occupied as a residence by the purchaser or borrower, or in the event that the purchaser or borrower is the trustee of a trust, by a beneficiary of that trust.

(Source: P.A. 94-893, eff. 6-20-06; 95-570, eff. 8-31-07.)

(215 ILCS 155/16) (from Ch. 73, par. 1416)

Sec. 16. Title insurance agents.

(a) No person, firm, partnership, association, corporation or other legal entity shall act as or hold itself out to be a title insurance agent unless duly registered by a title insurance company with the Secretary.

(b) Each application for registration shall be made on a form specified by the Secretary and prepared in duplicate by each title insurance company which the agent represents. The title insurance company shall retain the copy of the application and forward the original to the Secretary with the appropriate fee.

(c) Every applicant for registration, except a firm, partnership, association or corporation, must be 18 years or more of age.

(d) Registration shall be made annually by a filing with the Secretary; supplemental registrations for new title insurance agents to be added between annual filings shall be made from time to time in the manner provided by the Secretary; registrations shall remain in effect unless revoked or suspended by the Secretary or voluntarily withdrawn by the registrant or the title insurance company.

(e) Funds deposited in connection with any escrows, settlements, or closings shall be deposited in a separate fiduciary trust account or accounts in a bank or other financial institution insured by an agency of the federal government unless the instructions provide otherwise. The funds shall be the property of the person or persons entitled thereto under the provisions of the escrow, settlement, or closing and shall be segregated by escrow, settlement, or closing in the records of the escrow agent. The funds shall not be subject to any debts of the escrowee and shall be used only in accordance with the terms of the individual escrow, settlement, or closing under which the funds were accepted.

Interest received on funds deposited with the escrow agent in connection with any escrow, settlement, or closing shall be paid to the depositing party unless the instructions provide otherwise.

The escrow agent shall maintain separate records of all receipts and disbursements of escrow, settlement, or closing funds.

The escrow agent shall comply with any rules adopted by the Secretary pertaining to escrow, settlement, or closing transactions.

(f) A title insurance agent shall not act as an escrow agent in a nonresidential real property transaction where the amount of settlement funds on deposit with the escrow agent is less than \$2,000,000 or in a residential real property transaction unless the title insurance agent, title insurance company, or another authorized title insurance agent has committed for the issuance of title insurance in that transaction and the title insurance agent is authorized to act as an escrow agent on behalf of the title insurance company for which the commitment for title insurance has been issued. The authorization under the preceding sentence shall be given either (1) by an agency contract with the title insurance company which contract, in compliance with the requirements set forth in subsection (g) of this Section, authorizes the title insurance agent to act as an escrow agent on behalf of the title insurance company or (2) by a closing protection letter in compliance with the requirements set forth in Section 16.1 of this Act, issued by the title insurance company to the seller, buyer, borrower, and lender. A closing protection letter shall not be issued by a title insurance agent. The provisions of this subsection (f) shall not apply to the authority of a title insurance agent to act as an escrow agent under subsection (g) of Section 17 of this Act.

(g) If an agency contract between the title insurance company and the title insurance agent is the source of the authority under subsection (f) of this Section for a title insurance agent to act as escrow agent for a real property transaction, then the agency contract shall provide for no less protection from the title insurance company to all parties to the real property transaction than the title insurance company would have provided to those parties had the title insurance company issued a closing protection letter in conformity with Section 16.1 of this Act.

(h) A title insurance company shall be liable for the acts or omissions of its title insurance agent as an escrow agent if the title insurance company has authorized the title insurance agent under subsections (f) and (g) of this Section 16 and only to the extent of the liability undertaken by the title insurance company in the agency agreement or closing protection letter. The liability, if any, of the title insurance agent to the title insurance company for acts and omissions of the title insurance agent as an escrow agent shall not be limited or otherwise modified because the title insurance company has provided closing protection to a party or parties to a real property transaction escrow, settlement, or closing. The escrow agent shall not charge a fee for protection provided by a title insurance company to parties to real property transactions under subsections (f) and (g) of this Section 16 and Section 16.1, but shall collect from the parties the fee charged by the title insurance company under Section 16.1 of this Act and shall promptly remit the fee to the title insurance company. The title insurance company may charge the parties a reasonable fee for protection provided pursuant to subsections (f) and (g) of this Section 16 and shall not pay any portion of the fee to the escrow agent. The payment of any portion of the fee to the escrow agent by the title insurance company, shall be deemed a prohibited inducement or compensation in violation of Section 24 of this Act.

(Source: P.A. 94-893, eff. 6-20-06.)

(215 ILCS 155/16.1 new)

Sec. 16.1. Closing or settlement protection.

(a) Notwithstanding the provisions of item (iii) of paragraph (B) of subsection (1) and subsections (3) and (8) of Section 3 and Section 16 of this Act, a title insurance company or title insurance agent is not authorized to act as an escrow agent in a nonresidential real property transaction where the amount of settlement funds on deposit with the escrow agent is less than \$2,000,000 or in a residential real property transaction unless as part of the same transaction a commitment, binder, or title insurance policy and closing protection letters protecting the buyer's or borrower's, lender's, and seller's interests have been issued by the title insurance company on whose behalf the commitment, binder, or title insurance policy has been issued. Closing protection letters are not required when the authorization for the title insurance agent to act as an escrow agent is given by an agency contract with the title insurance company pursuant to subsections (f), (g), and (h) of Section 16 of this Act, but shall be issued by the title insurance company upon the request of a party to a nonresidential real property transaction where the amount of settlement funds on deposit with the escrow agent is less than \$2,000,000 or in a residential real property transaction.

(b) Unless otherwise agreed to between a title insurance company and a protected person or entity, a closing protection letter under this Section shall indemnify all parties to a real property transaction against actual loss, not to exceed the amount of the settlement funds deposited with the escrow agent. The closing protection letter shall in any event indemnify all parties to a real property transaction when such losses arise out of:

(1) failure of the escrow agent to comply with written closing instructions to the extent that they relate to (A) the status of the title to an interest in land or the validity, enforceability, and priority of the lien of a

mortgage on an interest in land, including the obtaining of documents and the disbursement of funds necessary to establish the status of title or lien or (B) the obtaining of any other document specifically required by a party to the real property transaction, but only to the extent that the failure to obtain such other document affects the status of the title to an interest in land or the validity, enforceability, and priority of the lien of a mortgage on an interest in land; or

(2) fraud, dishonesty, or negligence of the escrow agent in handling funds or documents in connection with closings to the extent that the fraud, dishonesty, or negligence relates to the status of the title to the interest in land or to the validity, enforceability, and priority of the lien of a mortgage on an interest in land or, in the case of a seller, to the extent that the fraud, dishonesty, or negligence relates to funds paid to or on behalf of, or which should have been paid to or on behalf of, the seller.

(c) The indemnification under a closing protection letter may include limitations on the liability of the title insurance company for any of the following:

(1) Failure of the escrow agent to comply with closing instructions that require title insurance protection inconsistent with that set forth in the title insurance commitment for the real property transaction. Instructions that require the removal of specific exceptions to title or compliance with the requirements contained in the title insurance commitment shall not be deemed to be inconsistent.

(2) Loss or impairment of funds in the course of collection or while on deposit with a bank due to bank failure, insolvency, or suspension, except such as shall result from failure of the escrow agent closer to comply with written closing instructions to deposit the funds in a bank that is designated by name by a party to the real property transaction.

(3) Mechanics' and materialmen's liens in connection with sale, purchase, lease, or construction loan transactions, except to the extent that protection against such liens is afforded by a title insurance commitment or policy issued by the escrow agent.

(4) Failure of the escrow agent to comply with written closing instructions to the extent that such instructions require a determination by the escrow agent of the validity, enforceability, or effectiveness of any document described in subitem (B) of item (1) of subsection (b) of this Section.

(5) Fraud, dishonesty, or negligence of an employee, agent, attorney, or broker, who is not also the escrow agent or an independent contract closer of the escrow agent, of the indemnified party to the real property transaction.

(6) The settlement or release of any claim by the indemnified party to the real property transaction without the written consent of the title insurance company.

(7) Any matters created, suffered, assumed, or agreed to by, or known to, the indemnified party to the real property transaction without the written consent of the title insurance company.

The closing protection letter may also include reasonable additional provisions concerning the dollar amount of protection, provided such limit is not less than the amount deposited with the escrow agent, arbitration, subrogation, claim notices, and other conditions and limitations that do not materially impair the protection required by this Section 16.1.

(d) The entire fee for the closing protection letter shall be remitted by the title insurance agent to the title insurance company. Title insurance agents shall not charge the parties any additional amount for closing protection letters issued under this Section.

(e) This Section shall not apply to the authority of a title insurance company and title insurance agent to act as an escrow agent under subsection (g) of Section 17 of this Act."

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 5772. 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.

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

Representative Mendoza offered and withdrew Amendment No. 2.

Representative Mendoza offered the following amendment and moved its adoption.



AMENDMENT NO. 3. Amend House Bill 5772 by replacing everything after the enacting clause with the following:

"Section 5. The Animal Welfare Act is amended by changing Section 3.1 and by adding Sections 3.5 and 3.15 as follows:

(225 ILCS 605/3.1) (from Ch. 8, par. 303.1)

Sec. 3.1. Information on dogs and cats for sale by a dog dealer or cattery operator. Every ~~pet shop operator,~~ dog dealer, and cattery operator shall provide the following information for every dog or cat available for sale:

- (a) The age, sex, and weight of the animal.
- (b) The breed of the animal.
- (c) A record of vaccinations and veterinary care and treatment.
- (d) A record of surgical sterilization or lack of surgical sterilization.
- (e) The name and address of the breeder of the animal.
- (f) The name and address of any other person who owned or harbored the animal between its birth and the point of sale.

(Source: P.A. 87-819.)

(225 ILCS 605/3.5 new)

Sec. 3.5. Information on dogs and cats available for adoption by an animal shelter or animal control facility.

(a) An animal shelter or animal control facility must provide to the adopter prior to the time of adoption the following information, to the best of its knowledge, on any dog or cat being offered for adoption:

(1) The breed, age, date of birth, sex, and color of the dog or cat if known, or if unknown, the animal shelter or animal control facility shall estimate to the best of its ability.

(2) The details of any inoculation or medical treatment that the dog or cat received while under the possession of the animal shelter or animal control facility. This information shall be updated at least once every 7 days.

(3) The adoption fee and any additional fees or charges.

(4) If the dog or cat was returned by an adopter, then the date and reason for the return.

(5) Any known citations or fines issued to the animal shelter or animal control facility within the previous 5 years by the Illinois Department of Agriculture, or other regulatory or governmental agency relating to the health or welfare of dogs or cats held or placed for adoption by an animal shelter or animal control facility.

(6) The policy of the animal shelter or animal control facility regarding any returns of the adopted dog or cat, warranties, guarantees, or any other policy related to the adopted dog or cat.

(7) The license number of the animal shelter or animal control facility issued by the Illinois Department of Agriculture.

(b) The information required in subsection (a) shall be provided to the adopter in written form by the animal shelter or animal control facility and shall on its last page have an acknowledgement of disclosures form, which must be signed by the adopter and an authorized representative of the animal shelter or animal control facility at the time of the adoption. The acknowledgement of disclosures form shall include the following:

(1) A blank space for the dated signature and printed name of the authorized representative handling the adoption on behalf of the animal shelter or animal control facility, which shall be immediately beneath the following printed statement: "I hereby attest that all of the above information is true and correct to the best of my knowledge, and I have made a diligent effort to obtain this information."

(2) A blank space for the dated signature and printed name of the adopter, which shall be immediately beneath the following statement: "I hereby attest that this disclosure was posted with the dog or cat for adoption and that I have read all the disclosures. I further understand that I am entitled to keep a signed copy of this disclosure."

(c) A copy of the disclosures and the signed acknowledgement of disclosure form shall be provided to the adopter and the original copy shall be maintained by the animal shelter or animal control facility for a period of 2 years from the date of adoption.

(d) An animal shelter or animal control facility shall post in a conspicuous place in writing on or near the cage of any dog or cat available for adoption the information required by subsection (a) of this Section 3.5.

(225 ILCS 605/3.15 new)

Sec. 3.15. Disclosures for dogs and cats being sold by pet shops.

(a) Prior to the time of sale, every pet shop operator must, to the best of his or her knowledge, provide to the consumer the following information on any dog or cat being offered for sale:

(1) The retail price of the dog or cat, including any additional fees or charges.

(2) The breed, age, date of birth, sex, and color of the dog or cat.

(3) The details of any inoculation or medical treatment that the dog or cat received while under the possession of the pet shop operator. This information shall be updated at least once every 7 days.

(4) The name and business address of both the dog or cat breeder and the facility where the dog or cat was born. If the dog or cat breeder is located in the State, then the breeder's license number. If the dog or cat breeder also holds a license issued by the United States Department of Agriculture, the breeder's federal identification number.

(5) Any known citations or fines issued to the pet store operator within the previous 5 years by the Illinois Department of Agriculture, or other regulatory or governmental agency relating to the health or welfare of dogs or cats owned or possessed by the pet store operator.

(6) Any known citations or fines issued to the breeder, during the 5 years prior to the pet shop operator taking possession of the dog or cat, by the USDA, respective state Department of Agriculture, or other regulatory or governmental agency relating to the health or welfare of the dogs or cats owned or bred by that breeder. The pet shop operator shall not be responsible for updating information provided pursuant to this item (7) after the initial disclosure to a consumer.

(7) Any known congenital or hereditary diseases of the parents of the dog or cat, or the parents' other offspring.

(8) If eligible for registration with a pedigree registry, then the name and registration numbers of the sire and dam and the address of the pedigree registry where the sire and dam are registered.

(9) If the dog or cat was returned by a customer, then the date and reason for the return.

(10) The total number of puppies or kittens that were born at the breeder's facility in the prior calendar year.

(11) The licensee's policy regarding any guarantees, warranties, refunds or returns.

(12) The pet shop operator's license number issued by the Illinois Department of Agriculture.

(b) The information required in subsection (a) shall be provided to the customer in written form by the pet shop operator and shall on its last page have an acknowledgement of disclosures form, which must be signed by the customer and the pet shop operator at the time of sale. The acknowledgement of disclosures form shall include the following:

(1) A blank space for the dated signature and printed name of the pet shop operator, which shall be immediately beneath the following statement: "I hereby attest that all of the above information is true and correct to the best of my knowledge, and I have made a diligent effort to obtain this information.";

(2) A blank space for the customer to sign and print his or her name and the date, which shall be immediately beneath the following statement: "I hereby attest that this disclosure was posted with the dog or cat for sale and that I have read all of the disclosures. I further understand that I am entitled to keep a signed copy of this disclosure."

(c) A copy of the disclosures and the signed acknowledgement of disclosure form shall be provided to the customer at the time of sale and the original copy shall be maintained by the pet shop operator for a period of 2 years from the date of sale.

(d) A pet shop operator shall post in a conspicuous place in writing on or near the cage of any dog or cat available for sale the information required by subsection (a) of this Section 3.15.

Section 99. Effective date. This Act takes effect January 1, 2011."

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 advanced to the order of Third Reading.

HOUSE BILL 5603. Having been reproduced, was taken up and read by title a second time. Representative Winters offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 5603 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by adding Section 20-27 as follows:

(35 ILCS 200/20-27 new)

Sec. 20-27. Reimbursement of tax proceeds for annexed property. Notwithstanding any other provision of law, beginning in taxable year 2010, if property is annexed to a municipality under Section 7-1-13 of the Illinois Municipal Code at any time during the taxable year, any taxpayer who is liable for paying property taxes on the property during the taxable year may apply to the municipality for a refund of the amount of property taxes (i) paid by the taxpayer, (ii) distributed to the municipality, and (ii) attributable to the annexed property for the portion of the taxable year during which the property was not included in the municipality. The municipality shall refund those amounts to the taxpayer within 60 days after the application is received.

A home rule unit may not regulate the collection or distribution of tax proceeds in a manner inconsistent with this Section. This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

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 BILL 6419. Having been reproduced, was taken up and read by title a second time.

Floor Amendment No. 1 lost in the Committee on Elementary & Secondary Education.

Representative Crespo offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 6419 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the School District Intergovernmental Cooperation Renewable Energy Act.

Section 5. Findings. The General Assembly finds that there is a need to promote the use of renewable energy resources, including facilities designed to convert wind or solar power to energy, and to promote employment in the construction and operation of such facilities, and further finds that a means of meeting such need is to authorize school districts to join together to acquire and construct facilities for such purposes.

Section 10. Definitions. In this Act:

"Agency" means a joint action agency organized and operating under this Act.

"Applicable law" means any provision of law, including this Act, authorizing school districts to issue bonds as that term is defined in the Local Government Debt Reform Act.

"Board" means the board of directors of an agency organized under this Act.

"Bond" means a bond as such term is defined in the Local Government Debt Reform Act issued by an agency payable from one or more of the agency's revenue sources and other sources as the agency may lawfully pledge, which sources may include school district bonds or proceeds or payments to be made pursuant to an intergovernmental agreement.

"Eligible project" means any land or rights in land, plant, works, system, facility, machinery, intellectual property, or other real or personal property of any nature whatsoever, together with all parts thereof and appurtenances thereto, used or useful in the generation, production, such distribution or transmission as may be required in a relevant electric service agreement, purchase, sale, exchange, or interchange of electrical energy derived from renewable energy sources including wind, solar power, and other renewable sources, and in the acquisition, extraction, conversion, transportation, storage, or reprocessing of ancillary fuel of any kind for any of those purposes, or any interest in, or right to the use, services, output, or capacity of any plant, works, system, or facilities.

"Governing body" means the school board having charge of the corporate affairs of a school district.

"Intergovernmental agreement" means the agreement by which an agency is formed by school districts pursuant to this Act.

"Members" means the school districts joining pursuant to intergovernmental agreement to organize an

agency under this Act.

"Resolution" means a resolution duly adopted by a governing body.

"Revenue source" means any revenue source as such term is defined in the Local Government Debt Reform Act.

"School district" means a combined elementary district, a combined high school district, a combined unit district, a unit district, a combined high school unit district, an elementary district, or an optional elementary unit district organized and operating under the School Code of the State of Illinois, but does not include any office, officer, department, division, bureau, board, commission, or similar agency of the State of Illinois.

"School district bond" means any bond as such term is defined in the Local Government Debt Reform Act authorized or issued by or on behalf of a school district under applicable law.

Section 15. Powers supplemental. The provisions of this Act are intended to be supplemental and, in addition to all other powers or authorities granted to any school district, shall be construed liberally and shall not be construed as a limitation of any power or authority otherwise granted.

Section 20. Actions by resolution. All actions to be taken by a school district or an agency pursuant to this Act shall be fully effective if taken by resolution.

Section 25. Agency status. An agency organized under this Act shall be a unit of local government of the State of Illinois and a body politic and corporate.

Section 30. Organization. Any 2 or more school districts, whether contiguous or noncontiguous, may form an agency by the execution of an intergovernmental agreement authorized by resolution adopted by the governing body of each school district. The intergovernmental agreement shall state or may state, as applicable, the following:

- (1) the name of the agency and the date of its establishment, which may be by reference to a date or the dates of the resolutions adopted by the governing bodies, and the duration of its existence, which may be perpetual;
- (2) the names of the school districts that have adopted the intergovernmental agreement and constitute the initial members;
- (3) the names and addresses of the persons initially appointed in the resolutions adopting the intergovernmental agreement to serve as initial directors on the board and provision for the organizational meeting of the agency;
- (4) provision for the terms of office of the directors and for alternate directors, if so provided, but such directors and alternate directors shall always be selected and vacancies in their offices declared and filled by resolutions adopted by the governing body of the respective school districts;
- (5) if so provided, provision for weighted voting among the school districts or by the directors;
- (6) the location by city, village, or incorporated town in the State of Illinois of the principal office of the agency;
- (7) provision for amendment of the intergovernmental agreement;
- (8) if provided, initial funding for the agency, which may include binding agreements of the school districts to provide money or to issue school district bonds for the benefit of the agency;
- (9) provisions for the disposition, division, or distribution of obligations, property, and assets of the agency upon dissolution; and
- (10) any other provisions for regulating the business of the agency or the conduct of its affairs consistent with this Act.

Section 35. Officers; board; bylaws.

(a) At the organizational meeting of the board, the directors shall elect from their members a presiding officer to preside over the meetings of the board and an alternate presiding officer and may elect an executive board. The board shall determine and designate in the agency's bylaws the titles for the presiding officers. The directors shall also elect a secretary and treasurer, who need not be directors. The board may select such other officers, employees, and agents as deemed to be necessary, who need not be directors or residents of any of the school districts that are members. The board may designate appropriate titles for all other officers, employees, and agents. All persons selected by the board shall hold their respective offices at the pleasure of the board, and give bond as may be required by the board.

(b) The board is the corporate authority of the agency and shall exercise all the powers and manage and control all of the affairs and property of the agency. The board shall have full power to pass all necessary resolutions and rules for the proper management and conduct of the business of the agency and for carrying

into effect the objects for which the agency was established. The board shall have not less than one meeting each year for the election of officers and the transaction of any other business. Unless otherwise provided by this Act, the intergovernmental agreement, or the bylaws, an act of the majority of the directors present at a meeting at which a quorum is present is required for an act of the board.

(c) The board shall adopt bylaws that may include without limitation the following provisions:

- (1) the rights and obligations of members consistent with the intergovernmental agreement and this Act;
- (2) if not governed in the intergovernmental agreement, then the manner of adding new members and the rights and obligations of the members;
- (3) the time, place, and date of the regular meeting or meetings and the procedures for calling special meetings of the board;
- (4) procedural rules;
- (5) the composition, powers, and responsibilities of any committee or executive board;
- (6) the criteria as called for in item (20) of Section 55 of this Act; and
- (7) other rules or provisions for regulating the affairs of the agency as the board shall determine to be advisable.

Section 40. Filing. Within 3 months after the organizational meeting, the board shall cause a certified copy of the intergovernmental agreement to be filed with the Secretary of State of Illinois. The Secretary of State shall accept such filing and issue a certificate of approval over his or her signature and the Great Seal of the State. The Secretary of State shall make and keep a register of agencies established under this Act.

Section 45. Place of business. Every agency shall maintain an office in the State of Illinois to be known as its principal office. When an agency desires to change the location of such office, it shall file with the Secretary of State a certificate of change of location, stating the new address and the effective date of change. Meetings of the board may be held at any place within the State of Illinois designated by the board after notice.

Section 50. Lawful expense of school district. Each member shall have full power and authority to appropriate money from its operation and maintenance fund, by whatever name now or hereafter known, for the payment of the expenses of the agency and of its representative in exercising its functions as a member of the agency, which expenses may include payment of principal of and interest on bonds of the agency for a period not greater than 40 years after the dated date of any bonds. Each member shall have full power and authority, subject to the provisions of applicable law, to agree to the issuance and delivery of school district bonds to aid the agency.

Section 55. Powers and duties generally. An agency shall have all the powers and duties enumerated in this Section in furtherance of the purposes of this Act. In the exercise thereof it shall be deemed to be performing an essential governmental function and exercising a part of the sovereign powers of the State of Illinois, separate and distinct from member school districts, and shall have the privileges, immunities, and rights of a public body politic and corporate, municipal corporation, and unit of local government, but shall not have taxing power. All powers of the agency shall be exercised by its board unless otherwise provided by the bylaws.

(1) An agency may plan, finance, acquire, construct, reconstruct, own, lease, operate, maintain, repair, improve, extend, or otherwise participate in, individually or jointly with other persons or other entities of any type, one or more eligible projects, proposed, existing, or under construction, within or without the State of Illinois, acquire any interest in or any right to products and services of an eligible project, purchase, own, sell, dispose of, or otherwise participate in securities issued in connection with the financing of an eligible project or any portion thereof, create such subsidiary entity or entities of any type as may be necessary or desirable, and may act as agent, or designate one or more persons, public agencies, or other entities of any type, whether or not participating in an eligible project, to act as its agent, in connection with the planning, financing, acquisition, construction, reconstruction, ownership, lease, operation, maintenance, repair, extension, or improvement of the eligible project.

(2) An agency may investigate the desirability of and necessity for additional means of providing electrical energy from wind sources of any kind for such purpose and make studies, surveys, and estimates as may be necessary to determine its feasibility and cost.

(3) An agency may cooperate with other persons, public agencies, or other entities of any type in the development of means of providing electrical energy from wind sources of any kind for those purposes and give assistance with personnel and equipment in any eligible project.

(4) An agency may structure the ownership and investment in an eligible project in such a way as to maximize the use of any available United States federal incentives for such projects,

including, but not limited to, New Markets Tax Credits under Section 45D of the Internal Revenue Code of 1986, as amended, or any successor provision.

(5) An agency may apply for consents, authorizations, or approvals required for any eligible project within its powers and take all actions necessary to comply with the conditions thereof.

(6) An agency may perform any act authorized by this Act through, or by means of, its officers, agents, or employees or by contract with others, including without limitation the employment of engineers, architects, attorneys, appraisers, financial advisors, and such other consultants and employees as may be required in the judgment of the agency, and fix and pay their compensation from funds available to the agency.

(7) An agency may, individually or jointly with other persons, public agencies, or other entities of any type, acquire, hold, use, and dispose of income, revenues, funds, and money.

(8) An agency may, individually or jointly with other persons, public agencies, or other entities of any type, acquire, own, hire, use, operate and dispose of personal property and any interest therein.

(9) An agency may, individually or jointly with other persons, public agencies, or other entities of any type, acquire, own, use, lease as lessor or lessee, operate, and dispose of real property and interests in real property, including eligible projects existing, proposed, or under construction, and make improvements thereon.

(10) An agency may grant the use by franchise, lease, or otherwise and make charges for the use of any property or facility owned or controlled by it.

(11) An agency may borrow money and issue negotiable bonds, secured or unsecured, in accordance with this Act.

(12) An agency may invest money of the agency not required for immediate use, including proceeds from the sale of any bonds, in such obligations, securities, and other investments as authorized by the provisions of the Public Funds Investment Act.

(13) An agency may determine the location and character of, and all other matters in connection with, any and all eligible projects it is authorized to acquire, hold, establish, effectuate, operate, or control.

(14) An agency may contract with any persons, public agencies, or other entities of any type for the planning, development, construction, or operation of any eligible project or for the sale, transmission, or distribution of the products and services of any eligible project, or for any interest therein or any right to the products and services thereof, on such terms and for such period not in excess of 50 years of time as its board shall determine.

(15) An agency may enter into any contract or agreement necessary, appropriate, or incidental to the effectuation of its lawful purposes and the exercise of the powers granted by this Act for a period not in excess of 50 years in time, including without limitation contracts or agreements for the purchase, sale, exchange, interchange, wheeling, pooling, transmission, distribution, or storage of electrical energy and fuel of any kind for any such purposes, within and without the State of Illinois, in such amounts as it shall determine to be necessary and appropriate to make the most effective use of its powers and to meet its responsibilities, on such terms and for such period of time as its board determines. Any such contract or agreement may include provisions for requirements purchases, restraints on resale or other dealings, exclusive dealing, pricing, territorial division, and other conduct or arrangements that may have an anti-competitive effect.

(16) An agency may procure insurance against any losses in connection with its property, operations, or assets in such amounts and from such insurers as it deems desirable or may self-insure or enter into pooled insurance arrangements with other school districts against such losses.

(17) An agency may contract for and accept any gifts or grants or loans of funds or property or financial or other aid in any form from any source and may comply, subject to the provisions of this Act, with the terms and conditions thereof.

(18) An agency may mortgage, pledge, or grant a security interest in any or all of its real and personal property to secure the payment of its bonds or contracts.

(19) That part of an eligible project owned by an agency shall be exempt from property taxes.

(20) An agency shall not be subject to any taxes of the State of Illinois based on or measured by income or receipts or revenue.

(21) An agency may adopt a corporate seal and may sue and be sued.

(22) An agency may exercise all other powers not inconsistent with the Constitution of

the State of Illinois or the United States Constitution, which powers may be reasonably necessary or appropriate for or incidental to effectuate its authorized purposes or to the exercise of any of the powers enumerated in this Act.

Section 60. Bonds. An agency may issue bonds pursuant to applicable law and the following provisions:

(1) An agency may from time to time issue its bonds in such principal amounts as the agency shall deem necessary to provide sufficient funds to carry out any of its corporate purposes and powers, including without limitation the acquisition, construction, or termination of any eligible project to be owned or leased, as lessor or lessee, by the agency, or the acquisition of any interest therein or any right to the products or services thereof, the funding or refunding of the principal of, redemption premium, if any, and interest on, any bonds issued by it whether or not such bonds or interest to be funded or refunded have or have not become due, the payment of engineering, legal and other expenses, together with interest for a period of 3 years or to a date one year subsequent to the estimated date of completion of the project, whichever period is longer, the establishment or increase of reserves to secure or to pay such bonds or interest thereon, the providing of working capital and the payment of all other costs or expenses of the agency incident to and necessary or convenient to carry out its corporate purposes and powers.

(2) Every issue of bonds of the agency shall be payable out of the revenues or funds available to the agency, subject to any agreements with the holders of particular bonds pledging any particular revenues or funds. An agency may issue types of bonds as it may determine, including bonds as to which the principal and interest are payable exclusively from the revenues from one or more projects, or from an interest therein or a right to the products and services thereof, or from one or more revenue producing contracts made by the agency, or its revenues generally. Any such bonds may be additionally secured by a pledge of any grant, subsidy, or contribution from any source or a pledge of any income or revenues, funds, or moneys of the agency from any source whatsoever.

(3) All bonds of an agency shall have all the qualities of negotiable instruments under the laws of this State.

(4) Bonds of an agency shall be authorized by resolution of its board and may be issued under such resolution or under a trust indenture or other security agreement, in one or more series, and shall bear the date or dates, mature at a time or times within the estimated period of usefulness of the project involved and in any event not more than 40 years after the date thereof, bear interest at such rate or rates without regard to any limitation in any other law, be in such denominations, be in such form, either coupon or registered, carry such conversion, registration, and exchange privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places within or without the State of Illinois, be subject to such terms of redemption with or without premium, and contain or be subject to such other terms as the resolution, trust indenture, or other security agreement may provide, and shall not be restricted by the provisions of any other law limiting the amounts, maturities, interest rates, or other terms of obligations of units of local government or private parties. The bonds shall be sold in a manner and at such price as the board shall determine at private or public sale.

(5) Bonds of an agency may be issued under the provisions of this Act without obtaining the consent of any department, division, commission, board, bureau, or agency of the State of Illinois or of any member, except as may be limited in an intergovernmental agreement, and without any other proceeding or the happening of any other condition or occurrence except as specifically required by this Act.

(6) The resolution, trust indenture, or other security agreement under which any bonds are issued shall constitute a contract with the holders of the bonds and may contain provisions, among others, prescribing:

(A) the terms and provisions of the bonds;

(B) the mortgage or pledge of and the grant of a security interest in any real or personal property and all or any part of the revenue from any project or any revenue producing contract made by the agency to secure the payment of bonds, subject to any agreements with the holders of bonds which might then exist;

(C) the custody, collection, securing, investments, and payment of any revenues, assets, money, funds, or property with respect to which the agency may have any rights or interest;

(D) the rates or charges for the products or services rendered by the agency, the amount to be raised by the rates or charges, and the use and disposition of any or all revenue;

(E) the creation of reserves or sinking funds and the regulation and disposition

thereof;

(F) the purposes to which the proceeds from the sale of any bonds then or thereafter to be issued may be applied, and the pledge of revenues to secure the payment of the bonds;

(G) the limitations on the issuance of any additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding bonds;

(H) the rank or priority of any bonds with respect to any lien or security;

(I) the creation of special funds or moneys to be held in trust or otherwise for operational expenses, payment, or redemption of bonds, reserves or other purposes, and the use and disposition of moneys held in such funds;

(J) the procedure by which the terms of any contract with or for the benefit of the holders of bonds may be amended or revised, the amount of bonds the holders of which must consent thereto, and the manner in which consent may be given;

(K) the definition of the acts or omissions to act that shall constitute a default in the duties of the agency to holders of its bonds, and the rights and remedies of the holders in the event of default, including, if the agency so determines, the right to accelerate the due date of the bonds or the right to appoint a receiver or receivers of the property or revenues subject to the lien of the resolution, trust indenture, or other security agreement;

(L) any other or additional agreements with or for the benefit of the holders of bonds or any covenants or restrictions necessary or desirable to safeguard the interests of the holders;

(M) the custody of its properties or investments, the safekeeping thereof, the insurance to be carried thereon, and the use and disposition of insurance proceeds;

(N) the vesting in a trustee or trustees, within or without the State of Illinois, of such properties, rights, powers, and duties in trust as the agency may determine; or the limiting or abrogating of the rights of the holders of any bonds to appoint a trustee, or the limiting of the rights, powers, and duties of such trustee; or

(O) the appointment of and the establishment of the duties and obligations of any paying agent or other fiduciary within or without the State of Illinois.

(7) For the security of bonds issued or to be issued by an agency, the agency may mortgage or execute deeds of trust of the whole or any part of its property and franchises. Any pledge of revenues, securities, contract rights, or other personal property made by an agency pursuant to this Act shall be valid and binding from the date the pledge is made. The revenues, securities, contract rights, or other personal property so pledged and then held or thereafter received by the agency or any fiduciary shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the agency without regard to whether the parties have notice. The resolution, trust indenture, security agreement, or other instrument by which a pledge is created shall be recorded in the county in which the principal office is located in the manner provided by law.

(8) Neither the officials, the directors, nor the members of an agency nor any person executing bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof. An agency shall have power to indemnify and to purchase and maintain insurance on behalf of any director, officer, employee, or agent of the agency, in connection with any threatened, pending, or completed action, suit, or proceeding.

(9) An agency shall have power to purchase out of any funds available therefor, bonds, and to hold for re-issuance, pledge, cancel, or retire the bonds and coupons prior to maturity, subject to and in accordance with any agreements with the holders.

(10) The principal of and interest upon any bonds issued by an agency shall be payable solely from the revenue sources or funds pledged or available for their payment as authorized in this Act. Each bond shall contain a statement that it constitutes an obligation of the agency issuing the bond, that its principal and interest are payable solely from revenues or funds of the agency and that neither the State of Illinois nor any political subdivision thereof, except the issuer, nor any school district that is a member of the agency, is obligated to pay the principal or interest on the bonds and that neither the faith and credit nor the taxing power of the State of Illinois or any such political subdivision thereof or of any such school district is pledged to the payment of the principal of or the interest on the bonds.

Section 65. Charges. An agency may establish, levy, and collect or may authorize, by contract, franchise, lease, or otherwise, the establishment, levying, and collection of rents, rates, and other charges for the products and services afforded by the agency or by or in connection with any eligible project or properties that it may construct, acquire, own, operate, or control or with respect to which it may have any interest or



any right to the products and services thereof as it may deem necessary, proper, desirable, or reasonable. Rents, rates, and other charges shall be established so as to be sufficient to meet the operation, maintenance, and other expenses thereof, including reasonable reserves, interest, and principal payments, including payments into one or more sinking funds for the retirement of principal. An agency may pledge its rates, rents, and other revenue, or any part thereof, as security for the repayment, with interest and premium, if any, of any moneys borrowed by it or advanced to it for any of its authorized purposes and as security for the payment of amounts due and owing by it under any contract.

Section 70. School districts may contract.

(a) In order to accomplish the purposes of this Act, a school district may enter into and carry out contracts and agreements for the sale, lease, or other use of property, real or personal, cooperative provision of services, such as police services, or the purchase of power from an agency, or transmission services, development services, and other services.

(b) Any contract and agreement shall be for a period not to exceed 50 years and shall contain other terms, conditions, and provisions that are not inconsistent with the provisions of this Act as the governing body of such school district shall approve, including without limitation provisions whereby the school district is obligated to pay for the products and services of an agency without set-off or counterclaim and irrespective of whether such products or services are furnished, made available, or delivered to the school district, or whether any project contemplated by any such contract and agreement is completed, operable or operating, and notwithstanding suspension, interruption, interference, reduction, or curtailment of the products and services of the project.

(c) Any contract and agreement may be pledged by the agency to secure its obligations and may provide that if one or more school districts defaults in the payment of its obligations under such contract and agreement, the remaining school districts having such contracts and agreements shall be required to pay for and shall be entitled proportionately to use or otherwise dispose of the products and services that were to be purchased by the defaulting school district.

(c) Any contract and agreement providing for payments by a school district shall be an obligation of the school district payable from and secured by such lawfully available funds as may be made pursuant to applicable law. Notwithstanding the sources of funds pledged, any contract between the agency and its members with respect to an eligible project shall not constitute an indebtedness of such members within any statutory limitation.

(d) Nothing in this Act shall be construed to preclude a school district from appropriating and using taxes and other revenues received in any year to make payments due or to comply with covenants to be performed during that year under any contract or agreement for a term of years entered into as contemplated in this Act, subject to the provisions of applicable law.

(e) Any contract or agreement may include provisions for requirements purchases, restraints on resale or other dealings, exclusive dealing, pricing, territorial division, and other conduct or arrangements that may have an anti-competitive effect.

(f) Notwithstanding the provisions of any other law, in the making of a contract or agreement between an agency and a member, the director of the agency who represents such member must recuse himself or herself from participation in discussions or voting as director, but may participate and vote in his or her capacity as an officer of the governing body of such member, and such participation and voting shall not be a conflict of interest.

Section 97. 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. 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 3631. 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.

### **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 Golar, HOUSE BILL 3631 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: 110, Yeas; 5, 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.

### **HOUSE BILL ON SECOND READING**

HOUSE BILL 6034. Having been recalled on March 18, 2010, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

### **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 Pihos, HOUSE BILL 6034 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 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.

### **HOUSE BILL ON SECOND READING**

HOUSE BILL 6441. Having been reproduced, was taken up and read by title a second time. Representative Hamos offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 6441 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Health Information Exchange and Technology Act.

Section 5. Purpose. Health information technology improves the quality of patient care, increases the efficiency of health care practices, improves safety, and reduces healthcare errors. The State of Illinois has an interest in encouraging the adoption of a health information system to improve the safety, quality, and value of health care, to protect and keep health information secure, and to use the health information exchange system to advance and meet population health goals. To ensure that the benefits of health information technology are available to the consumers of Illinois and to encourage greater patient participation in health care decisions, the State must provide a framework for the exchange of health information and encourage the widespread adoption of electronic health systems and the use of electronic health records among health care providers and patients. The creation of a State-level health information exchange system will allow, among other benefits, the widespread utilization of electronic health records by health care providers and patients in order to ensure that Illinois' health care providers can achieve the meaningful use of electronic records, as defined by federal law, and participate fully in the health

information technology incentives available from the federal government under the Medicare and Medicaid programs.

Section 10. Creation of the Health Information Exchange Authority. There is hereby created the Illinois Health Information Exchange Authority ("Authority"), which is hereby constituted as an instrumentality and an administrative agency of the State of Illinois.

As part of its program to promote, develop, and sustain health information exchange at the State level, the Authority shall do the following:

(1) Establish the Illinois Health Information Exchange ("ILHIE"), to promote and facilitate the sharing of health information among health care providers within Illinois and in other states. ILHIE shall be an entity operated by the Authority to serve as a State-level electronic medical records exchange providing for the transfer of health information, medical records, and other health data in a secure environment for the benefit of patient care, patient safety, reduction of duplicate medical tests, reduction of administrative costs, and any other benefits deemed appropriate by the Authority.

(2) Foster the widespread adoption of electronic health records and participation in the ILHIE.

Section 15. Governance of the Illinois Health Information Exchange Authority.

(a) The Authority shall consist of and be governed by one Executive Director and 8 directors who are hereby authorized to carry out the provisions of this Act and to exercise the powers conferred under this Act.

(b) The Executive Director and 8 directors shall be appointed to 3-year staggered terms by the Governor with the advice and consent of the Senate. Of the members first appointed after the effective date of this Act, 3 shall be appointed for a term of one year, 3 shall be appointed for a term of 2 years, and 3 shall be appointed for a term of 3 years. The Executive Director and directors may serve successive terms and, in the event the term of the Executive Director or a director expires, he or she shall serve in the expired term until a new Executive Director or director is appointed and qualified. Vacancies shall be filled for the unexpired term in the same manner as original appointments. The Governor may remove a director or the Executive Director for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office or any other good cause. The Executive Director shall be compensated at an annual salary of 75% of the salary of the Governor.

(c) The Executive Director and directors shall be chosen with due regard to broad geographic representation and shall be representative of a broad spectrum of health care providers and stakeholders, including representatives from any of the following fields or groups: health care consumers, consumer advocates, physicians, nurses, hospitals, federally qualified health centers as defined in Section 1905(l)(2)(B) of the Social Security Act and any subsequent amendments thereto, health plans or third-party payors, employers, long-term care providers, pharmacists, State and local public health entities, outpatient diagnostic service providers, behavioral health providers, home health agency organizations, health professional schools in Illinois, health information technology, or health information research.

(d) The directors of the Illinois Department of Healthcare and Family Services, the Illinois Department of Public Health, and the Illinois Department of Insurance and the Secretary of the Illinois Department of Human Services, or their designees, and a designee of the Office of the Governor, shall serve as ex-officio members of the Authority.

(e) The Authority is authorized to conduct its business by a majority of the appointed members. The Authority may adopt bylaws in order to conduct meetings. The bylaws may permit the Authority to meet by telecommunication or electronic communication.

(f) The Authority shall appoint an Illinois Health Information Exchange Authority Advisory Committee ("Advisory Committee") with representation from any of the fields or groups listed in subsection (c) of this Section. The purpose of the Advisory Committee shall be to advise and provide recommendations to the Authority regarding the ILHIE. The Advisory Committee members shall serve 2-year terms. The Authority may establish other advisory committees and subcommittees to conduct the business of the Authority.

(g) Directors of the Authority, members of the Advisory Committee, and any other advisory committee and subcommittee members may be reimbursed for ordinary and contingent travel and meeting expenses for their service at the rate approved for State employee travel.

Section 20. Powers and duties of the Illinois Health Information Exchange Authority. The Authority has the following powers, together with all powers incidental or necessary to accomplish the purposes of this Act:

(1) The Authority shall create and administer the ILHIE using information systems and processes that are secure, are cost effective, and meet all other relevant privacy and security requirements

under State and federal law.

(2) The Authority shall establish and adopt standards and requirements for the use of health information and the requirements for participation in the ILHIE by persons or entities including, but not limited to, health care providers, payors, and local health information exchanges.

(3) The Authority shall establish minimum standards for accessing the ILHIE to ensure that the appropriate security and privacy protections apply to health information, consistent with applicable federal and State standards and laws. The Authority shall have the power to suspend, limit, or terminate the right to participate in the ILHIE for non-compliance or failure to act, with respect to applicable standards and laws, in the best interests of patients, users of the ILHIE, or the public. The Authority may seek all remedies allowed by law to address any violation of the terms of participation in the ILHIE.

(4) The Authority shall identify barriers to the adoption of electronic health records systems, including researching the rates and patterns of dissemination and use of electronic health record systems throughout the State. The Authority shall make the results of the research available on its website.

(5) The Authority shall prepare educational materials and educate the general public on the benefits of electronic health records, the ILHIE, and the safeguards available to prevent unauthorized disclosure of health information.

(6) The Authority may appoint or designate an institutional review board in accordance with federal and State law to review and approve requests for research in order to ensure compliance with standards and patient privacy and security protections as specified in paragraph (3) of this Section.

(7) The Authority may enter into all contracts and agreements necessary or incidental to the performance of its powers under this Act. The Authority's expenditures of private funds are exempt from the Illinois Procurement Code, pursuant to Section 1-10 of that Act. Notwithstanding this exception, the Authority shall comply with the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(8) The Authority may solicit and accept grants, loans, contributions, or appropriations from any public or private source and may expend those moneys, through contracts, grants, loans, or agreements, on activities it considers suitable to the performance of its duties under this Act.

(9) The Authority may determine, charge, and collect any fees, charges, costs, and expenses from any healthcare provider or entity in connection with its duties under this Act. Moneys collected under this paragraph (9) shall be deposited into the Health Information Exchange Fund.

(10) The Authority may, under the direction of the Executive Director, employ and discharge staff, including administrative, technical, expert, professional, and legal staff, as is necessary or convenient to carry out the purposes of this Act. The Authority may establish and administer standards of classification regarding compensation, benefits, duties, performance, and tenure for that staff and may enter into contracts of employment with members of that staff for such periods and on such terms as the Authority deems desirable. All employees of the Authority are exempt from the Personnel Code as provided by Section 4 of the Personnel Code.

(11) The Authority shall consult and coordinate with the Department of Public Health to further the Authority's collection of health information from health care providers for public health purposes. The collection of public health information shall include identifiable information for use by the Authority or other State agencies to comply with State and federal laws. Any identifiable information so collected shall be privileged and confidential in accordance with Sections 8-2101, 8-2102, 8-2103, 8-2104, and 8-2105 of the Code of Civil Procedure.

(12) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Authority due to its administration of the Illinois Health Information Exchange, shall be exempt from inspection and copying under the Freedom of Information Act. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Accountability and Portability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(13) To address gaps in the adoption of, workforce preparation for, and exchange of electronic health records that result in regional and socioeconomic disparities in the delivery of care, the

Authority may evaluate such gaps and provide resources as available, giving priority to healthcare providers serving a significant percentage of Medicaid or uninsured patients and in medically underserved or rural areas.

Section 25. Health Information Exchange Fund.

(a) The Health Information Exchange Fund (the "Fund") is created as a separate fund outside the State treasury. Moneys in the Fund are not subject to appropriation by the General Assembly. The State Treasurer shall be ex-officio custodian of the Fund. Revenues arising from the operation and administration of the Authority and the ILHIE shall be deposited into the Fund. Fees, charges, State and federal moneys, grants, donations, gifts, interest, or other moneys shall be deposited into the Fund. "Private funds" means gifts, donations, and private grants.

(b) The Authority is authorized to spend moneys in the Fund on activities suitable to the performance of its duties as provided in Section 20 of this Act and authorized by this Act. Disbursements may be made from the Fund for purposes related to the operations and functions of the Authority and the ILHIE.

(c) The Illinois General Assembly may appropriate moneys to the Authority and the ILHIE, and those moneys shall be deposited into the Fund.

(d) The Fund is not subject to administrative charges or charge-backs, including but not limited to those authorized under Section 8h of the State Finance Act.

(e) The Authority's accounts and books shall be set up and maintained in accordance with the Office of the Comptroller's requirements, and the Authority's Executive Director shall be responsible for the approval of recording of receipts, approval of payments, and proper filing of required reports. The moneys held and made available by the Authority shall be subject to financial and compliance audits by the Auditor General in compliance with the Illinois State Auditing Act.

Section 30. Participation in health information systems maintained by State agencies.

(a) By no later than January 1, 2015, each State agency that implements, acquires, or upgrades health information technology systems shall use health information technology systems and products that meet minimum standards adopted by the Authority for accessing the ILHIE. State agencies that have health information which supports and develops the ILHIE shall provide access to patient-specific data to complete the patient record at the ILHIE. Notwithstanding any other provision of State law, the State agencies shall provide patient-specific data to the ILHIE.

(b) Participation in the ILHIE shall have no impact on the content of or use or disclosure of health information of patient participants that is held in locations other than the ILHIE. Nothing in this Act shall limit or change an entity's obligation to exchange health information in accordance with applicable federal and State laws and standards.

Section 35. Illinois Administrative Procedure Act. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Authority, except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking does not apply to the adoption of any rule required by federal law when the Authority is precluded by that law from exercising any discretion regarding that rule.

Section 40. Reliance on data. Any health care provider who relies in good faith upon any information provided through the ILHIE in his, her, or its treatment of a patient shall be immune from criminal or civil liability arising from any damages caused by such good faith reliance. This immunity does not apply to acts or omissions constituting gross negligence or reckless, wanton, or intentional misconduct. Notwithstanding this provision, the Authority does not waive any immunities provided under State or federal law.

Section 900. The Regulatory Sunset Act is amended by adding Section 4.31 as follows:

(5 ILCS 80/4.31 new)

Sec. 4.31. Act repealed on January 1, 2021. The following Act is repealed on January 1, 2021:  
The Illinois Health Information Exchange and Technology Act.

Section 905. 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) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Authority due to its administration of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Accountability and Portability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

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

Section 910. The Illinois Procurement Code is amended by changing Section 1-10 as follows:

(30 ILCS 500/1-10)

Sec. 1-10. Application.

(a) This Code applies only to procurements for which contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in Article 99, including but not limited to any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50 and 99 and July 1, 1998 shall be substantially in accordance with this Code and its intent.

(b) This Code shall apply regardless of the source of the funds with which the contracts are paid,

including federal assistance moneys. This Code shall not apply to:

- (1) Contracts between the State and its political subdivisions or other governments, or between State governmental bodies except as specifically provided in this Code.
- (2) Grants, except for the filing requirements of Section 20-80.
- (3) Purchase of care.
- (4) Hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.
- (5) Collective bargaining contracts.
- (6) Purchase of real estate, except that notice of this type of contract with a value of more than \$25,000 must be published in the Procurement Bulletin within 7 days after the deed is recorded in the county of jurisdiction. The notice shall identify the real estate purchased, the names of all parties to the contract, the value of the contract, and the effective date of the contract.
- (7) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to this Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.
- (8) Contracts for services to Northern Illinois University by a person, acting as an independent contractor, who is qualified by education, experience, and technical ability and is selected by negotiation for the purpose of providing non-credit educational service activities or products by means of specialized programs offered by the university.
- (9) Procurement expenditures by the Illinois Conservation Foundation when only private funds are used.

(10) Procurement expenditures by the Illinois Health Information Exchange Authority involving private funds from the Health Information Exchange Fund. "Private funds" means gifts, donations, and private grants.

(c) This Code does not apply to the electric power procurement process provided for under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act.

(d) Except for Section 20-160 and Article 50 of this Code, and as expressly required by Section 9.1 of the Illinois Lottery Law, the provisions of this Code do not apply to the procurement process provided for under Section 9.1 of the Illinois Lottery Law.

(Source: P.A. 95-481, eff. 8-28-07; 95-615, eff. 9-11-07; 95-876, eff. 8-21-08; 96-840, eff. 12-23-09.)

Section 995. Severability. If any provision of this Act or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid application or provision, and to this end the provisions of this Act are declared to be severable.

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.

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 5630.

HOUSE BILL 5295. Having been read by title a second time on March 19, 2010, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

### 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 Black, HOUSE BILL 5295 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: 111, Yeas; 3, 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.

### RECALL

At the request of the principal sponsor, Representative Brady, HOUSE BILL 5630 was recalled from the order of Third Reading to the order of Second Reading.

### HOUSE BILL ON SECOND READING

HOUSE BILL 5630. Having been recalled on March 25, 2010, the same was again taken up.

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

Representative Brady offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 5630 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 155.43 as follows:

(215 ILCS 5/155.43 new)

Sec. 155.43. Notice to insurer; mortgagee-in-possession. The mortgagee, judgment creditor, or other lien holder shall notify the last-known insurer of a residential building in writing by first-class mail or electronically within 10 business days after the mortgagee, judgment creditor, or lien holder becomes the mortgagee-in-possession.

Section 99. Effective date. This Act takes effect on January 1, 2011."

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.

### RESOLUTION

Having been reported out of the Committee on State Government Administration on March 10, 2010, HOUSE JOINT RESOLUTION 110 was taken up for consideration.

Representative Graham moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

Ordered that the Clerk inform the Senate and ask their concurrence.

### HOUSE BILLS ON SECOND 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 5894.

Having been read by title a second time on March 24, 2010 and held, the following bill was taken up and held on the order of Second Reading: HOUSE BILL 5656.



### 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 Farnham, HOUSE BILL 6748 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 2, 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.

On motion of Representative Jefferson, HOUSE BILL 1629 was taken up and read by title a third time. Representative Eddy was recognized for a parliamentary inquiry regarding the applicability of extraordinary vote requirements for certain limitations on home rule units of local government.

The Chair ruled that a vote of majority of the members elected (60 votes) was required for passage of the bill.

And the question being, "Shall this bill pass?"

Pending the vote on said bill, on motion of Representative Jefferson, further consideration of HOUSE BILL 1629 was postponed.

On motion of Representative Jehan Gordon, HOUSE BILL 5905 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 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.

### ACTION ON MOTIONS

Pursuant to the motion submitted previously, Representative Black moved to reconsider the vote by which HOUSE BILL 6748 passed.

And on that motion, a vote was taken resulting as follows:

44, Yeas; 70, Nays; 0, Answering Present.

(ROLL CALL 9)

The motion lost.

### 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 D'Amico, HOUSE BILL 6463 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

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

(ROLL CALL 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.

On motion of Representative Brauer, HOUSE BILL 5688 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 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 Collins, HOUSE BILL 5916 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the negative by the following vote: 38, Yeas; 76, Nays; 0, Answering Present.

(ROLL CALL 12)

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

On motion of Representative Fortner, HOUSE BILL 5191 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 13)

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

Ordered that the Clerk inform the Senate and ask their concurrence.

#### **ACTION ON MOTIONS**

Pursuant to Rule 18(g), Representative Black moved for unanimous consent to discharge the Committee on Rules from further consideration of HOUSE BILL 6622, and requested a record vote on the motion.

Representative Mautino was recognized and announced her oppositon to 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 Black 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:

67, Yeas; 47, Nays; 0, Answering Present.

(ROLL CALL 14)

The motion prevailed and the Chair was sustained.

#### **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 Kosel, HOUSE BILL 5483 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 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 Collins, HOUSE BILL 5853 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the negative by the following vote: 42, Yeas; 71, Nays; 0, Answering Present.

(ROLL CALL 16)

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

On motion of Representative Jerry Mitchell, HOUSE BILL 5633 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 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 William Davis, HOUSE BILL 4826 was taken up and read by title a third time.

And the question being, "Shall this bill pass?"

Pending the vote on said bill, on motion of Representative Davis, William, further consideration of HOUSE BILL 4826 was postponed.

On motion of Representative Monique Davis, HOUSE BILL 6450 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: 103, Yeas; 11, 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.

On motion of Representative Nekritz, HOUSE BILL 5152 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; 0, Nays; 1, Answering Present.

(ROLL CALL 19)

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 Mulligan, HOUSE BILL 5517 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 20)

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 Burns, HOUSE BILL 6202 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 2, Nays; 0, 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.

On motion of Representative Poe, HOUSE BILL 4871 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 22)

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 Flider, HOUSE BILL 5947 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; 0, Nays; 0, Answering Present.  
(ROLL CALL 23)

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 Soto, HOUSE BILL 5044 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: 110, Yeas; 1, Nay; 1, Answering Present.  
(ROLL CALL 24)

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 Jehan Gordon, HOUSE BILL 5900 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; 0, Nays; 0, Answering Present.  
(ROLL CALL 25)

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 Carberry, HOUSE BILL 5762 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: 104, Yeas; 5, Nays; 4, Answering Present.  
(ROLL CALL 26)

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 Reis, HOUSE BILL 4837 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; 23, Nays; 0, Answering Present.  
(ROLL CALL 27)

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 Flowers, HOUSE BILL 4679 was taken up and read by title a third time. And the question being, "Shall this bill pass?"

Pending the vote on said bill, on motion of Representative Flowers, further consideration of HOUSE BILL 4679 was postponed.

On motion of Representative Senger, HOUSE BILL 5802 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; 0, Nays; 0, Answering Present.

(ROLL CALL 28)

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 Fortner, HOUSE BILL 5756 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: 109, Yeas; 2, Nays; 0, Answering Present.

(ROLL CALL 29)

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 Franks, HOUSE BILL 4658 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: 89, Yeas; 24, Nays; 0, Answering Present.

(ROLL CALL 30)

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.

## RECALL

At the request of the principal sponsor, Representative Bellock, HOUSE BILL 5242 was recalled from the order of Third Reading to the order of Second Reading.

## HOUSE BILL ON SECOND READING

HOUSE BILL 5242. Having been recalled on March 25, 2010, the same was again taken up. Representative Bellock offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 5242 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Section 12-4.40 as follows:  
(305 ILCS 5/12-4.40 new)

Sec. 12-4.40. Payment Recapture Audits. The Department of Healthcare and Family Services is authorized to contract with third-party entities to conduct Payment Recapture Audits to detect and recapture payments made in error or as a result of fraud or abuse. Payment Recapture Audits under this Section may be performed in conjunction with similar audits performed under federal authorization.

A Payment Recapture Audit shall include the process of identifying improper payments paid to providers or other entities whereby accounting specialists and fraud examination specialists examine payment records

and uncover such problems as duplicate payments, payments for services not rendered, overpayments, payments for unauthorized services, and fictitious vendors. This audit may include the use of professional and specialized auditors on a contingency basis, with compensation tied to the identification of misspent funds.

The use of Payment Recapture Audits does not preclude the Office of the Inspector General or any other authorized agency employee from performing activities to identify and prevent improper payments.

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 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 Bellock, HOUSE BILL 5242 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; 0, Nays; 0, Answering Present.

(ROLL CALL 31)

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 Tracy, HOUSE BILL 6140 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: 108, Yeas; 4, Nays; 1, Answering Present.

(ROLL CALL 32)

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 Coulson, HOUSE BILL 5565 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; 0, Nays; 0, Answering Present.

(ROLL CALL 33)

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.

### RECALL

At the request of the principal sponsor, Representative Moffitt, HOUSE BILL 4779 was recalled from the order of Third Reading to the order of Second Reading.

### HOUSE BILL ON SECOND READING

HOUSE BILL 4779. Having been recalled on March 25, 2010, the same was again taken up.

Representative Moffitt moved to table Floor Amendment No. 2.  
The motion prevailed.

Representative Moffitt offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend House Bill 4779, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 3, by replacing lines 16 and 17 with the following:  
"penalty may not exceed \$100 per public agency for each emergency response provided for a first violation of Section 11-503 or 11-601.5 of this Code or a similar provision of a local ordinance. The criminal penalty may not exceed \$500 per public agency for each emergency response provided for a second or subsequent violation of Section 11-503 or 11-601.5 of this Code or a similar provision of a local ordinance. As used in this subsection, "emergency".

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 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 Moffitt, HOUSE BILL 4779 was taken up and read by title a third time.  
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:  
112, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 34)

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 Reboletti, HOUSE BILL 5640 was taken up and read by title a third time.  
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:  
112, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 35)

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 BILL ON SECOND READING

HOUSE BILL 6065. Having been reproduced, was taken up and read by title a second time.  
Representative Cross offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 6065 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Care of Students with Diabetes Act.

Section 5. Legislative findings. The General Assembly finds the following:

(1) Diabetes is a serious chronic disease in which the pancreas does not make insulin (Type 1) or the body cannot use insulin properly (Type 2).

(2) Diabetes must be managed 24 hours a day to avoid the potentially life-threatening, short-term consequences of low blood sugar and prevent or delay the serious complications caused by

blood sugar levels that are too high for too long, such as atherosclerosis, coronary artery disease, peripheral vascular disease, hypertension, blindness, kidney failure, amputation, and stroke.

(3) Federal law affords people with diabetes specific rights and protections. These laws include Section 504 of the Rehabilitation Act of 1973, the Individuals with Disabilities Education Improvement Act of 2004, and the Americans with Disabilities Act of 1990, and the ADA Amendments Act of 2008.

(4) When these federal laws are not implemented or enforced consistently in school, students with diabetes are discriminated against, their educational opportunities are compromised, and their health and safety is jeopardized.

(5) A school nurse is the most appropriate person in a school setting to provide for all students' healthcare needs; however, a school nurse may not be available when needed, and many schools do not have a full-time nurse.

(6) Many students are capable of checking their blood glucose levels, calculating a carbohydrate-to-insulin ratio, and administering insulin independently. Allowing capable students to manage diabetes independently in school is consistent with the recommendations of pediatric endocrinologists and certified diabetes educators and other specialists.

(7) Because appropriate and consistent diabetes care decreases the risks of serious short-term and long-term complications, increases a student's learning opportunities, and promotes individual and public health benefits, the General Assembly deems it in the public interest to enact this Act.

Section 10. Definitions. As used in this Act:

"Delegated care aide" means a school employee who has agreed to receive training in diabetes care and to assist students in implementing their diabetes care plan and has entered into an agreement with a parent or guardian and the school district or private school.

"Diabetes care plan" means a document that specifies the diabetes-related services needed by a student at school and at school-sponsored activities and identifies the appropriate staff to provide and supervise these services.

"Health care provider" means a physician licensed to practice medicine in all of its branches, advanced practice nurse who has a written agreement with a collaborating physician, or a physician assistant who has been delegated a duty by his or her supervising physician.

"Principal" means the senior administrative school employee.

"School" means any primary or secondary public, charter, or private school located in this State.

"School employee" means a person who is employed by a public school district or private school, a person who is employed by a local health department and assigned to a school, or a person who contracts with a school or school district to perform services in connection with a student's diabetes care plan.

Section 15. Diabetes care plan.

(a) A diabetes care plan shall be signed by a student's parent or guardian and submitted to the school for any student with diabetes who seeks assistance with diabetes care in the school setting, unless the student has been managing his or her diabetes care in the school setting before the effective date of this Act, in which case the student's parent or guardian may sign and submit a diabetes care plan under this Act. The diabetes care plan shall include the treating doctor or nurse practitioner's instructions concerning the student's diabetes management during the school day, including requirements for diet, glucose testing, insulin administration, and treatment for hypoglycemia, hyperglycemia, and emergency situations.

(b) The services and accommodations specified in a diabetes care plan shall be reasonable, reflect the current standard of diabetes care, and include appropriate safeguards to ensure that syringes and lancets are disposed of properly.

(c) A diabetes care plan shall include a uniform record of glucometer readings and insulin administered by the school nurse or delegated care aide during the school day and shall use the form contained in "Helping Students with Diabetes Succeed at School", a reference and care guide published by the U.S. Department of Health and Human Services.

(d) A diabetes care plan shall be submitted to the school at the beginning of the school year; upon enrollment, as soon as practical following a student's diagnosis; or when a student's care needs change during the school year. Parents shall be responsible for informing the school in a timely manner of any changes to the diabetes care plan and their emergency contact numbers.

Section 20. Delegated care aides.

(a) Delegated care aides shall perform the activities and tasks necessary to assist a student with diabetes in accordance with his or her diabetes care plan and in compliance with any guidelines provided during



training under Section 25 of this Act.

(b) Whenever a delegated care aide has a question about a student's care, or when an unexpected snack or meal requires a dose of insulin not anticipated by a student's diabetes care plan, the delegated care aide shall consult with the parent or guardian, school nurse, where available, or health care provider to confirm that the insulin dosage is appropriate given the number of carbohydrates to be taken and the student's blood glucose level as determined by a glucometer reading.

(c) The principal shall facilitate compliance with the provisions of a diabetes care plan during all school-sponsored activities.

(d) Delegated care aides are authorized to provide assistance by a student's parents or guardian and the school district or private school.

Section 25. Training for school employees and delegated care aides.

(a) In schools that have a student with diabetes, all school employees shall receive training in the basics of diabetes care, how to identify when a student with diabetes needs immediate or emergency medical attention, and whom to contact in the case of an emergency during a regular in-service training as provided for by Section 10-22.39 of the School Code.

(b) Delegated care aides shall be trained to perform the tasks necessary to assist a student with diabetes in accordance with his or her diabetes care plan, including training to do the following:

- (1) check blood glucose and record results;
- (2) recognize and respond to the symptoms of hypoglycemia according to the diabetes care plan;
- (3) recognize and respond to the symptoms of hyperglycemia according to the diabetes care plan;
- (4) estimate the number of carbohydrates in a snack or lunch;
- (5) administer insulin according to the student's diabetes care plan and keep a record of the amount administered; and
- (6) respond in an emergency, including how to administer glucagon.

(c) The school district shall coordinate staff training.

(d) Initial training shall be provided by a licensed healthcare provider with expertise in diabetes or a certified diabetic educator and individualized by a student's parent or guardian. The training shall be updated when the diabetes care plan is changed and at least annually.

(e) School nurses, where available, or health care providers may provide technical assistance or consultation or both to delegated care aides.

(f) An information sheet shall be provided to any school employee who transports a student for school-sponsored activities. It shall identify the student with diabetes, identify potential emergencies that may occur as a result of the student's diabetes and the appropriate responses to such emergencies, and provide emergency contact information.

Section 30. Self-management. In accordance with his or her diabetes care plan, a student shall be permitted to do the following:

- (1) check blood glucose when and wherever needed;
- (2) administer insulin with the insulin delivery system used by the student;
- (3) treat hypoglycemia and hyperglycemia and otherwise attend to the care and management of his or her diabetes in the classroom, in any area of the school or school grounds and at any school-related activity or event in accordance with the diabetes care plan; and
- (4) possess on his or her person, at all times, the supplies and equipment necessary to monitor and treat diabetes, including, but not limited to, glucometers, lancets, test strips, insulin, syringes, insulin pens and needle tips, insulin pumps, infusion sets, alcohol swabs, a glucagon injection kit, glucose tablets, and food and drink, in accordance with the diabetes care plan.

Section 35. Restricting access to school prohibited. A school district shall not restrict the assignment of a student with diabetes to a particular school on the basis that the school does not have a full-time school nurse, nor shall a school deny a student access to any school or school-related activities on the basis that a student has diabetes.

Section 40. Protections against retaliation. A school employee shall not be subject to any penalty, sanction, reprimand, discharge, demotion, denial of a promotion, withdrawal of benefits, or other disciplinary action for choosing not to agree to serve as a delegated care aide.

Section 45. Civil immunity.

(a) A school or a school employee is not liable for civil or other damages as a result of conduct, other than willful or wanton misconduct, related to the care of a student with diabetes.

(b) A school employee shall not be subject to any disciplinary proceeding resulting from an action taken in compliance with this Act, unless the action constitutes willful or wanton misconduct.

Section 50. Federal law. Nothing in this Act shall limit any rights available under federal law.

Section 90. The School Code is amended by changing Section 10-22.21b as follows:

(105 ILCS 5/10-22.21b) (from Ch. 122, par. 10-22.21b)

Sec. 10-22.21b. Administering medication. To provide for the administration of medication to students. It shall be the policy of the State of Illinois that the administration of medication to students during regular school hours and during school-related activities should be discouraged unless absolutely necessary for the critical health and well-being of the student. Under no circumstances shall teachers or other non-administrative school employees, except certified school nurses, ~~and~~ non-certificated registered professional nurses, and advanced practice nurses, be required to administer medication to students. This Section shall not prohibit a school district from adopting guidelines for self-administration of medication by students. This Section shall not prohibit any school employee from providing emergency assistance to students.

(Source: P.A. 91-719, eff. 6-2-00.)

Section 95. 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.

### 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 Smith, HOUSE BILL 6749 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:

83, Yeas; 30, Nays; 0, Answering Present.

(ROLL CALL 36)

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 Jakobsson, HOUSE BILL 5859 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:

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

(ROLL CALL 37)

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 Collins, HOUSE BILL 5914 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:

81, Yeas; 32, Nays; 0, Answering Present.

(ROLL CALL 38)

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 Golar, HOUSE BILL 5836 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; 0, Nays; 0, Answering Present.  
(ROLL CALL 39)

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 Lyons, HOUSE BILL 6412 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 40)

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 Beiser, HOUSE BILL 6349 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: 107, Yeas; 5, Nays; 0, Answering Present.  
(ROLL CALL 41)

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 Bost, HOUSE BILL 4990 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 42)

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 Bradley, HOUSE BILL 5230 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 43)

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 reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 6335.

HOUSE BILL 5169. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue & Finance, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5169 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 18-185 and 18-195 as follows:

(35 ILCS 200/18-185)

Sec. 18-185. Short title; definitions. This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:

"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.

"Extension limitation" means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205.

"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.

"Taxing district" has the same meaning provided in Section 1-150, except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213, "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213.

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount of any extension under this item (k) shall be certified by the school district to the county clerk; (l) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (m) made for temporary relocation loan repayment purposes pursuant to Sections 2-3.77 and 17-2.2d of the School Code; (n) made for payment of principal and interest on any bonds issued under the authority of Section 17-2.2d of the School Code; ~~and~~ (o) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the

Illinois Pension Code ; and (p) made for the purposes of a county funding the care and treatment of its residents who are mentally retarded or under a developmental disability under Section 1 of the County Care for Persons with Developmental Disabilities Act.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (h-4) made for stormwater management purposes by the Metropolitan Water Reclamation District of Greater Chicago under Section 12 of the Metropolitan Water Reclamation District Act; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsection (h) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium or museum projects; (l) made for payments of principal and interest on bonds authorized by Public Act 87-1191 or 93-601 and (i) issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act, (ii) issued under Section 42 of the Cook County Forest Preserve District Act for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (o) made by the Chicago Park District for recreational programs for the handicapped under subsection (c) of Section 7.06 of the Chicago Park District Act; (p) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; and (q) made by Ford Heights School District 169 under Section 17-9.02 of the School Code ; and (r) made for the purposes of a county funding the care and treatment of its residents who are mentally retarded or under a developmental disability under Section 1 of the County Care for Persons with Developmental Disabilities Act.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held for payment of

which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; ~~and~~ (m) made for the taxing district to pay interest or principal on general obligation bonds issued pursuant to Section 19-3.10 of the School Code ; and (n) made for the purposes of a county funding the care and treatment of its residents who are mentally retarded or under a developmental disability under Section 1 of the County Care for Persons with Developmental Disabilities Act.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the effective date of this amendatory Act of 1997; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the effective date of this amendatory Act of 1997; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the effective date of this amendatory Act of 1997 if the bonds were approved by referendum after the effective date of this amendatory Act of 1997; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the effective date of this amendatory Act of 1997 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the effective date of this amendatory Act of 1997 to pay for the building project; (g) made for payments due under installment contracts entered into before the effective date of this amendatory Act of 1997; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; ~~and~~ (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code ; and (m) made for the purposes of a county funding the care and treatment of its residents who are mentally retarded or under a developmental disability under Section 1 of the County Care for Persons with Developmental Disabilities Act.

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district

for the 1994 levy year, or for those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district without referendum, increased each year, commencing with the 2009 levy year, by the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year, but not including excluded non-referendum bonds. For park districts (i) that were first subject to this Law in 1991 or 1995 and (ii) whose extension for the 1994 levy year for the payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds) was less than 51% of the amount for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds), "debt service extension base" means an amount equal to that portion of the extension for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds). The debt service extension base may be established or increased as provided under Section 18-212. "Excluded non-referendum bonds" means (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or (iii) refunding obligations issued to refund or to continue to refund obligations initially issued pursuant to referendum.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate extension as adjusted under Sections 18-135, 18-215, and 18-230. An adjustment under Section 18-135 shall be made for the 2007 levy year and all subsequent levy years whenever one or more counties within which a taxing district is located (i) used estimated valuations or rates when extending taxes in the taxing district for the last preceding levy year that resulted in the over or under extension of taxes, or (ii) increased or decreased the tax extension for the last preceding levy year as required by Section 18-135(c). Whenever an adjustment is required under Section 18-135, the aggregate extension base of the taxing district shall be equal to the amount that the aggregate extension of the taxing district would have been for the last preceding levy year if either or both (i) actual, rather than estimated, valuations or rates had been used to calculate the extension of taxes for the last levy year, or (ii) the tax extension for the last preceding levy year had not been adjusted as required by subsection (c) of Section 18-135.

"Levy year" has the same meaning as "year" under Section 1-155.

"New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30, (ii) the assessed value, after final board of review or board of appeals action, of real property not exempt from real estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30, including the assessed value, upon final stabilization of occupancy after new construction is complete, of any real property located within the boundaries of an otherwise or previously exempt military reservation that is intended for residential use and owned by or leased to a private corporation or other entity, and (iii) in counties that classify in accordance with Section 4 of Article IX of the Illinois Constitution, an incentive property's additional assessed value resulting from a scheduled increase in the level of assessment as applied to the first year final board of review market value. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and not greater than 500,000.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation

of an area as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, previously established under the Economic Development Project Area Tax Increment Act of 1995, or previously established under the Economic Development Area Tax Increment Allocation Act, of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. In the first year after a municipality removes a taxable lot, block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, the highest aggregate extension in any of the last 3 preceding levy years shall be used for the purpose of computing the limiting rate. The denominator shall not include new property or the recovered tax increment value. If a new rate, a rate decrease, or a limiting rate increase has been approved at an election held after March 21, 2006, then (i) the otherwise applicable limiting rate shall be increased by the amount of the new rate or shall be reduced by the amount of the rate decrease, as the case may be, or (ii) in the case of a limiting rate increase, the limiting rate shall be equal to the rate set forth in the proposition approved by the voters for each of the years specified in the proposition, after which the limiting rate of the taxing district shall be calculated as otherwise provided.

(Source: P.A. 95-90, eff. 1-1-08; 95-331, eff. 8-21-07; 95-404, eff. 1-1-08; 95-876, eff. 8-21-08; 96-501, eff. 8-14-09; 96-517, eff. 8-14-09; revised 9-15-09.)

(35 ILCS 200/18-195)

Sec. 18-195. Limitation. Tax extensions made under Sections 18-45 and 18-105 are further limited by the provisions of this Law.

For those taxing districts that have levied in any previous levy year for any funds included in the aggregate extension, the county clerk shall extend a rate for the sum of these funds that is no greater than the limiting rate.

For those taxing districts that have never levied for any funds included in the aggregate extension, the county clerk shall extend an amount no greater than the amount approved by the voters in a referendum under Section 18-210.

If the county clerk is required to reduce the aggregate extension of a taxing district by provisions of this Law, the county clerk shall proportionally reduce the extension for each fund unless otherwise requested by the taxing district.

Upon written request of the corporate authority of a village, the county clerk shall calculate separate limiting rates for the library funds and for the aggregate of the other village funds in order to reduce the funds as may be required under provisions of this Law. In calculating the limiting rate for the library, the county clerk shall use only the part of the aggregate extension base applicable to the library, and for any rate increase or decrease factor under Section 18-230 the county clerk shall use only any new rate or rate increase applicable to the library funds and the part of the rate applicable to the library in determining factors under that Section. The county clerk shall calculate the limiting rate for all other village funds using only the part of the aggregate extension base not applicable to the library, and for any rate increase or



decrease factor under Section 18-230 the county clerk shall use only any new rate or rate increase not applicable to the library funds and the part of the rate not applicable to the library in determining factors under that Section. If the county clerk is required to reduce the aggregate extension of the library portion of the levy, the county clerk shall proportionally reduce the extension for each library fund unless otherwise requested by the library board. If the county clerk is required to reduce the aggregate extension of the portion of the levy not applicable to the library, the county clerk shall proportionally reduce the extension for each fund not applicable to the library unless otherwise requested by the village.

Beginning with the 1998 levy year upon written direction of a county or township community mental health board, the county clerk shall calculate separate limiting rates for the community mental health funds and for the aggregate of the other county or township funds in order to reduce the funds as may be required under provisions of this Law. In calculating the limiting rate for the community mental health funds, the county clerk shall use only the part of the aggregate extension base applicable to the community mental health funds; and for any rate increase or decrease factor under Section 18-230, the county clerk shall use only any new rate or rate increase applicable to the community mental health funds and the part of the rate applicable to the community mental health board in determining factors under that Section. The county clerk shall calculate the limiting rate for all other county or township funds using only the part of the aggregate extension base not applicable to community mental health funds; and for any rate increase or decrease factor under Section 18-230, the county clerk shall use only any new rate or rate increase not applicable to the community mental health funds and the part of the rate not applicable to the community mental health board in determining factors under that Section. If the county clerk is required to reduce the aggregate extension of the community mental health board portion of the levy, the county clerk shall proportionally reduce the extension for each community mental health fund unless otherwise directed by the community mental health board. If the county clerk is required to reduce the aggregate extension of the portion of the levy not applicable to the community mental health board, the county clerk shall proportionally reduce the extension for each fund not applicable to the community mental health board unless otherwise directed by the county or township.

If the county is not subject to Section 1.1 or 1.2 of the County Care for Persons with Developmental Disabilities Act, then, beginning ~~Beginning~~ with the 2001 levy year, upon written direction of a county or township board for care and treatment of persons with a developmental disability, the county clerk shall calculate separate limiting rates for the funds for persons with a developmental disability and for the aggregate of the other county or township funds in order to reduce the funds as may be required under provisions of this Law. If the county is subject to Section 1.1 or 1.2 of the County Care for Persons with Developmental Disabilities Act, then, beginning with the levy year in which the voters approve the tax under Section 1.1 or 1.2 of that Act, the county clerk shall calculate separate limiting rates for the funds for persons with a developmental disability and for the aggregate of the other county or township funds in order to reduce the funds as may be required under provisions of this Law. In calculating the limiting rate for the funds for persons with a developmental disability, the county clerk shall use only the part of the aggregate extension base applicable to the funds for persons with a developmental disability; and for any rate increase or decrease factor under Section 18-230, the county clerk shall use only any new rate or rate increase applicable to the funds for persons with a developmental disability and the part of the rate applicable to the board for care and treatment of persons with a developmental disability in determining factors under that Section. The county clerk shall calculate the limiting rate for all other county or township funds using only the part of the aggregate extension base not applicable to funds for persons with a developmental disability; and for any rate increase or decrease factor under Section 18-230, the county clerk shall use only any new rate or rate increase not applicable to the funds for persons with a developmental disability and the part of the rate not applicable to the board for care and treatment of persons with a developmental disability in determining factors under that Section. If the county clerk is required to reduce the aggregate extension of the board for care and treatment of persons with a developmental disability portion of the levy, the county clerk shall proportionally reduce the extension for each fund for persons with a developmental disability unless otherwise directed by the board for care and treatment of persons with a developmental disability. If the county clerk is required to reduce the aggregate extension of the portion of the levy not applicable to the board for care and treatment of persons with a developmental disability, the county clerk shall proportionally reduce the extension for each fund not applicable to the board for care and treatment of persons with a developmental disability unless otherwise directed by the county or township.

(Source: P.A. 90-339, eff. 8-8-97; 90-652, eff. 7-28-98; 91-859, eff. 6-22-00.)

Section 10. The County Care for Persons with Developmental Disabilities Act is amended by changing

Section 1 and by adding Sections 1.1 and 1.2 as follows:

(55 ILCS 105/1) (from Ch. 91 1/2, par. 201)

Sec. 1. Facilities or services; tax levy. Any county may provide facilities or services for the benefit of its residents who are mentally retarded or under a developmental disability and who are not eligible to participate in any such program conducted under Article 14 of the School Code, or may contract therefor with any privately or publicly operated entity which provides facilities or services either in or out of such county.

For such purpose, the county board may levy an annual tax of not to exceed .1% upon all of the taxable property in the county at the value thereof, as equalized or assessed by the Department of Revenue. Taxes first levied under this Section on or after the effective date of this amendatory Act of the 96th General Assembly are subject to referendum approval under Section 1.1 or 1.2 of this Act. Such tax shall be levied and collected in the same manner as other county taxes, but shall not be included in any limitation otherwise prescribed as to the rate or amount of county taxes but shall be in addition thereto and in excess thereof. When collected, such tax shall be paid into a special fund in the county treasury, to be designated as the "Fund for Persons With a Developmental Disability", and shall be used only for the purpose specified in this Section. The levying of this annual tax shall not preclude the county from the use of other federal, State, or local funds for the purpose of providing facilities or services for the care and treatment of its residents who are mentally retarded or under a developmental disability.

(Source: P.A. 88-380; 88-388.)

(55 ILCS 105/1.1 new)

Sec. 1.1. Petition for submission to referendum by county.

(a) If, on and after the effective date of this amendatory Act of the 96th General Assembly, the county board passes an ordinance or resolution as provided in Section 1 of this Act asking that an annual tax may be levied for the purpose of providing facilities or services set forth in that Section and so instructs the county clerk, the clerk shall certify the proposition to the proper election officials for submission at the next general county election. The proposition shall be in substantially the following form:

Shall.....County levy an annual tax not to exceed 0.1% upon the equalized assessed value of all taxable property in the county for the purposes of providing facilities or services for the benefit of its residents who are mentally retarded or under a developmental disability and who are not eligible to participate in any program provided under Article 14 of the School Code, 105 ILCS 5/14.1-1.01 et seq., including contracting for those facilities or services with any privately or publicly operated entity that provides those facilities or services either in or out of the county?

(b) If a majority of the votes cast upon the proposition are in favor thereof, such tax levy shall be authorized and the county shall levy a tax not to exceed the rate set forth in Section 1 of this Act.

(55 ILCS 105/1.2 new)

Sec. 1.2. Petition for submission to referendum by electors.

(a) Whenever a petition for submission to referendum by the electors which requests the establishment and maintenance of facilities or services for the benefit of its residents with a developmental disability and the levy of an annual tax not to exceed 0.1% upon all the taxable property in the county at the value thereof, as equalized or assessed by the Department of Revenue, is signed by electors of the county equal in number to at least 10% of the total votes cast for the office that received the greatest total number of votes at the last preceding general county election and is presented to the county clerk, the clerk shall certify the proposition to the proper election authorities for submission at the next general county election. The proposition shall be in substantially the following form:

Shall.....County levy an annual tax not to exceed 0.1% upon the equalized assessed value of all taxable property in the county for the purposes of establishing and maintaining facilities or services for the benefit of its residents who are mentally retarded or under a developmental disability and who are not eligible to participate in any program provided under Article 14 of the School Code, 105 ILCS 5/14.1-1.01 et seq., including contracting for those facilities or services with any privately or publicly operated entity that provides those facilities or services either in or out of the county?

(b) If a majority of the votes cast upon the proposition are in favor thereof, such tax levy shall be authorized and the county shall levy a tax not to exceed the rate set forth in Section 1 of this Act.

(55 ILCS 105/2 rep.)

Section 15. The County Care for Persons with Developmental Disabilities Act is amended by repealing Section 2.

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was 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 1826.

### 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 Feigenholtz, HOUSE BILL 6080 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:  
111, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 44)

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 5879. Having been reproduced, was taken up and read by title a second time.

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

Representative Flider offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 5879 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 8-515 as follows:

(220 ILCS 5/8-515 new)

Sec. 8-515. Proof of identification before starting service; account in minor's name prohibited. The Commission shall require (1) that an electric or gas utility must positively identify a prospective customer's identity and, if the identity cannot be satisfactorily confirmed, require 2 forms of identification before it starts service to that person and (2) that the account of a customer may not be in the name of a person who is under 18 years of age, unless the person is an emancipated minor.

Electric and gas utilities may obtain from customers who have not been positively identified 2 forms of identification from the following list: (i) a social security number, (ii) a driver's license number and state of issuance, (iii) a state identification card, (iv) a passport, (v) a birth certificate, (vi) immigration and naturalization documents, (vii) a tax identification number, (viii) a business license, (ix) articles of incorporation, or (x) another valid government-issued photo identification.

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.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 5539 and 5927.

HOUSE BILL 5821. 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 Hoffman offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 5821 on page 2, lines 21 and 22, by replacing "battery power source" with "power source, which may be either a battery or batteries or an emergency generator"; and on page 6, lines 1 and 2, by replacing "battery power source" with "power source, which may be either a battery or batteries or an emergency generator".

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 McAsey, HOUSE BILL 6380 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: 107, Yeas; 4, Nays; 0, Answering Present.

(ROLL CALL 45)

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 McAsey, HOUSE BILL 6477 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: 111, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 46)

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 BILL ON SECOND READING

HOUSE BILL 1826. Having been read by title a second time on March 25, 2010, and held on the order of Second Reading, the same was again taken up.

Floor Amendment No. 1 remained in the Committee on Youth and Family.

Representative William Davis offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 1826 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Afterschool Youth Development Project Act.

Section 5. Purpose and findings. The General Assembly declares that it is the policy of this State to provide all young people between the ages of 6 and 19 with access to quality afterschool programs through a State commitment to sufficient and sustainable funding for programs that promote positive youth development. The need for this policy is based on a series of facts:

The General Assembly finds that youth who are engaged in quality afterschool activities are more likely to succeed in academics, employment, and civic affairs than youth who do not participate in afterschool activities. Youth with high levels of participation in quality afterschool programs miss fewer days of school, have lower drop-out rates, and higher rates of graduation.

The General Assembly also finds that youth in Illinois face greater barriers to success than ever before:

- (1) Statewide demand for quality afterschool activities far outpaces the current supply, with shortfall estimates between 60 and 70 percent.
- (2) Illinois youth spend fewer hours in school than in most other states and approximately 45% of all children in grades K-12 are either responsible for themselves or are in the care of a sibling during after school hours.
- (3) On school days, the hours between 3:00 P.M. and 6:00 P.M. are the peak hours for juvenile crime and experimentation with drugs, alcohol, cigarettes, and sex.

The General Assembly also finds that the State of Illinois, having demonstrated national leadership in advancing toward universal early childhood education, must also expand youth development programming in order to realize the full, continued benefits of public investment in Illinois' young people.

The policy established by this Act will be developed through an afterschool demonstration program the results of which will be used to establish standards and policies to design and fund a statewide system of quality afterschool programs accessible to all youth between the ages of 6 and 19 that promote positive outcomes in such areas as education, employment, and civic success.

Section 10. Definitions. As used in this Act:

"Afterschool program" means positive youth development activities provided to youth between the ages of 6 and 19 during the hours before or after school, during summer recess from school, or during the weekends. These activities may include, but are not limited to, the following activity areas: academic support; arts, music, sports, cultural enrichment, and other recreation; health promotion and diseases prevention; life skills and work and career development; and youth leadership development. For the purposes of this Act, "afterschool program" also means a program funded under the Afterschool Demonstration Program.

"Demonstration" or "Demonstration Program" means the Afterschool Demonstration Program as established under this Act.

"Council" means the Illinois Youth Development Council.

"Community advisory group" means a group of key local stakeholders convened to help ensure effective program delivery through increased collaboration. This group is required as a condition of participating in the demonstration period.

Section 15. Illinois Youth Development Council.

(a) Creation. In order to effectively achieve the policy established in this Act, the Illinois Youth Development Council shall be created. The purpose of the Council is to provide oversight and coordination to the State's public funds currently invested to support positive youth development programs and activities and to set system-wide policies and priorities to accomplish the following 5 major objectives: (i) Set afterschool program expansion priorities, such as addressing gaps in programming for specific ages and populations; (ii) Create outcome measures and require all afterschool programs to be evaluated to ensure that outcomes are being met; (iii) Oversee the establishment of a statewide program improvement system that provides technical assistance and capacity building to increase program participation and quality system-wide; (iv) Monitor and assess afterschool program quality through outcome measures; and (v) Establish State policy to support the attainment of outcomes. The Council shall be created within the Department of Human Services.

(b) Governance. The Illinois Youth Development Council shall reflect the regional, racial, socio-economic, and cultural diversity of the State to ensure representation of the needs of all Illinois youth. The Council shall be composed of no less than 28 and no more than 32 members. The Council may establish a defined length of term for membership on the Council.

(1) Membership. The Council shall include representation from both public and private organizations comprised of the following:

(A) Four members of the General Assembly: one appointed by the President of the Senate, one appointed by the Minority Leader of the Senate, one appointed by the Speaker of the House of Representatives, and one appointed by the Minority Leader of the House of Representatives.

(B) The chief administrators of the following State agencies: the Department of Human Services; the Illinois State Board of Education; the Department of Children and Family Services; the Department of Public Health; the Department of Juvenile Justice; the Department of

Healthcare and Family Services; the Department of Commerce and Economic Opportunity; the Illinois Board of Higher Education; and the Illinois Community College Board.

(C) The Chair of the Illinois Workforce Investment Board and the Executive Director of the Illinois Violence Prevention Authority.

The following Council members shall be appointed by the Governor:

(D) Two officials from a unit of local government.

(E) At least 3 representatives of direct youth service providers and faith-based providers.

(F) Three young people who are between the ages of 16 and 21 and who are members of the Youth Advisory Group as established in paragraph (2) of this subsection.

(G) Two parents of children between the ages of 6 and 19.

(H) One academic researcher in the field of youth development.

(I) Additional public members that include local government stakeholders and nongovernmental stakeholders with an interest in youth development and afterschool programs, including representation from the following private sector fields and constituencies: child and youth advocacy; children and youth with special needs; child and adolescent health; business; and law enforcement.

Persons may be nominated by organizations representing the fields outlined in this Section. The Governor shall designate one of the Council members who is a nongovernment stakeholder to serve as co-chairperson. The Council shall create a sub-committee of additional direct youth service providers as well as other sub-committees as deemed necessary.

(2) Youth Advisory Group. To ensure that the Council is responsive to the needs and priorities of Illinois' young people, the Council shall establish an independent Youth Advisory Group, which shall be composed of a diverse body of 15 youths between the ages of 14 and 19 from across the State. Members that surpass the age of 19 while serving on the Youth Advisory Group may complete the term of the appointment. The Youth Advisory Group shall be charged with: (i) presenting recommendations to the Council 4 times per year on issues related to afterschool and youth development programming and policy; and (ii) reviewing key programmatic, funding, and policy decisions made by the Council. To develop priorities and recommendations, the Youth Advisory Group may engage students from across the State via focus groups, on-line surveys, and other means. The Youth Advisory Group shall be administered by the Department of Human Services and facilitated by an independent, established youth organization with expertise in youth civic engagement. This youth civic engagement organization shall administer the application requirements and process and shall nominate 30 youth. The Department of Human Services shall select 15 of the nominees for the Youth Advisory Group, 3 of whom shall serve on the Council.

(c) Activities. The major objectives of the Council shall be accomplished through the following activities:

(1) Publishing an annual plan that sets system goals for Illinois' afterschool funding that include key indicators, performance standards, and outcome measures and that outlines funding evaluation and reporting requirements.

(2) Developing and maintaining a system and processes to collect and report consistent program and outcome data on all afterschool programs funded by State and local government.

(3) Developing linkages between afterschool data systems and other statewide youth program outcome data systems (e.g. schools, post-secondary education, juvenile justice, etc.).

(4) Developing procedures for implementing an evaluation of the statewide system of program providers, including programs established by this Act.

(5) Reviewing evaluation results and data reports to inform future investments and allocations and to shape State policy.

(6) Developing technical assistance and capacity-building infrastructure and ensuring appropriate workforce development strategies across agencies for those who will be working in afterschool programs.

(7) Reviewing and making public recommendations to the Governor and the General Assembly with respect to the budgets for State youth services to ensure the adequacy of those budgets and alignment to system goals outlined in the plan described in paragraph (1) of this subsection.

(8) Developing and overseeing execution of a research agenda to inform future program planning.

(9) Providing strategic advice to other State agencies, the Illinois General Assembly,

and Illinois' Constitutional Officers on afterschool-related activities statewide.

(10) Approving awards of grants to demonstration projects as outlined in Section 20 of this Act.

(d) Accountability. The Council shall annually report to the Governor and the General Assembly on the Council's progress towards its goals and objectives. The Department of Human Services shall provide resources to the Council, including administrative services and data collection and shall be responsible for conducting procurement processes required by the Act. The Department may contract with vendors to provide all or a portion of any necessary resources.

Section 20. Afterschool Demonstration Program.

(a) Program. The Department of Human Services, in coordination with the Council, shall establish and administer a 3-year statewide, quality Afterschool Demonstration Program with an evaluation and outcome-based expansion model. The ultimate goal of the Demonstration shall be to develop and evaluate the costs, impact, and quality outcomes of afterschool programs in order to establish an effective expansion toward universal access.

(b) Eligible activity areas. Afterschool programs created under the Demonstration Program shall serve youths in Illinois by promoting one or more of the following:

(1) Academic support activities, including but not limited to remediation, tutoring, homework assistance, advocacy with teachers, college preparatory guidance, college tours, application assistance, and college counseling.

(2) Arts, music, sports, recreation, and cultural enrichment, including structured, ongoing activities such as theatre groups, development of exhibits, graphic design, cultural activities, and sports and athletic teams.

(3) Health promotion and disease prevention, including activities and tools for increasing knowledge and practice of healthy behavior, drug, alcohol, tobacco and pregnancy prevention, conflict resolution, and violence prevention.

(4) Life skills and work and career development activities that prepare youth for a successful transition to the workplace, including career awareness, job fairs, career exploration, job shadowing, work readiness skills, interview skills, resume building and work experience, and paid internships and summer jobs.

(5) Youth leadership development activities aimed at increasing youths' communication skills and ability to help a group make decisions, to facilitate or lead a group discussion, and to initiate and direct projects involving other people including civic engagement, service learning, and other activities that promote youth leadership.

(c) Eligible entities. Currently funded or new entities, including but not limited to the following, shall be eligible to apply for funding:

- (1) Schools or school districts.
- (2) Community-based organizations.
- (3) Faith-based organizations.
- (4) Park districts.
- (5) Libraries.
- (6) Cultural institutions.

Priority for participation in the Demonstration Program shall be given to entities with experience in providing afterschool programs in Illinois.

(d) Program criteria. New or existing applicants shall demonstrate the capacity to achieve the goals of this Act and meet the deadlines set forth by the Council through:

(1) The promotion of the development of those items outlined in subsection (b) of this Section.

(2) Evidence of community need and collaboration to avoid duplicating or supplanting existing services, which shall be shown through the creation of or reliance on an appropriate, existing community advisory group composed of a diverse makeup of members that may include, but is not limited to, educators, afterschool providers, local government officials, local business owners, parents, and youth.

(3) Cost-effective methods that will maximize the impact of the total dollar amount of the award.

(e) Expansion. Three years from the award of the first dollars, initial findings of an outcome evaluation of the Demonstration, conducted by an independent evaluator as described in subsection (d) of Section 25 of this Act, shall be reported to the Governor, the General Assembly, the Council, and the Youth Advisory

Group with a hearing scheduled before the appropriate committees of the House and Senate for the purpose of establishing an effective expansion toward universal access. A positive outcome evaluation, whereby performance outcomes determined by the Council are met, shall trigger a phased-in expansion toward full implementation.

Section 25. Effectiveness of afterschool programs.

(a) Program standards. Research has shown that high-performing youth programs demonstrate shared features of program quality. The Council shall establish a universal framework of youth development program standards that commonly define measurable indicators of program quality across the diverse array of eligible demonstration program activities.

(b) Evaluation and monitoring. Afterschool programs shall be held accountable to universal program quality standards as adopted by the Council. Data informing performance against these standards shall be monitored and collected by the Department of Human Services. Each afterschool program, in coordination with the corresponding community advisory group, shall also assess needs and gaps relative to addressing outcome goals.

(c) Capacity-building supports. A statewide program quality improvement system shall be established by the Council utilizing a qualified third party to provide assessment, coaching, technical assistance, and system and professional development. Provided supports shall first target those afterschool programs created under the Demonstration with the ultimate goal of expansion to support the larger statewide system of youth development program providers.

(d) Demonstration outcome evaluation. An evaluation of the Demonstration shall be conducted by a third-party evaluator or evaluators selected through a competitive request for proposals (RFP) process. The purpose of the evaluation is to determine how well the Demonstration Program meets the cost, impact, and quality outcome goals established by the Council. Initial findings shall be reported to the Council, the Governor, and the General Assembly within 3 years from the award of the first dollars and shall be the primary determining evidence to trigger expansion as described in subsection (e) of Section 20 of this Act.

Section 30. Funding. The creation and establishment of the Council, the Youth Advisory Group, and the Afterschool Demonstration Program shall be subject to appropriations, however the Department of Human Services shall be permitted to accept private funding or private resources at any time to implement this Act.

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 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 Howard, HOUSE BILL 5394 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the negative by the following vote: 44, Yeas; 66, Nays; 0, Answering Present.  
(ROLL CALL 47)

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

### **HOUSE BILL ON SECOND READING**

HOUSE BILL 5076. 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 5076 by replacing everything after the enacting clause with the following:



"Section 5. The Illinois Health Statistics Act is amended by changing Section 5 as follows:  
(410 ILCS 520/5) (from Ch. 111 1/2, par. 5605)

Sec. 5. (a) The Department may make no disclosure of any item, collection or grouping of health data which makes the individual supplying or described in such data identifiable unless:

(1) The individual described in the data has consented to the disclosure.

(2) The disclosure is to a governmental entity in this State, in another state or to the federal government, provided that:

(i) the data will be used for a purpose for which the data was collected by the Department; and

(ii) the recipient of the data has entered into a written agreement satisfactory to the Department, that it will protect such data in accordance with the requirements of this Act and will not permit further disclosure without prior approval of the Department.

(3) The disclosure is to an individual or organization, for a specified time period determined by the Department, solely for bona fide research and statistical purposes, as determined in accordance with guidelines adopted by the Department, and the Department determines that: (i) the disclosures of the data to the requesting individual or organization is required for the research and statistical purposes proposed; and (ii) the requesting individual or organization has entered into a written agreement satisfactory to the Department that it will protect such data in accordance with the requirements of this Act and will not permit further disclosure without prior approval of the Department. In no event, however, may the name, address or other unique personal identifier of an individual supplying the data or described in it be disclosed under this subparagraph to the requesting individual or organization, unless a Department-approved Institutional Review Board or its equivalent on the protection of human subjects in research has reviewed and approved the data request.

(4) The disclosure is to a governmental entity for the purpose of conducting an audit, evaluation or investigation of the Department and such governmental entity agrees not to use such data for making any determination to whom the health data relates.

(b) Any disclosure provided for in paragraph (a) of this Section shall be made at the discretion of the Department except that the disclosure provided for in subparagraph (4) of paragraph (a) of this Section must be made when the requirements of that subparagraph have been met.

(c) No identifiable health data obtained in the course of activities undertaken or supported under this Act shall be subject to subpoena or similar compulsory process in any civil or criminal, judicial, administrative or legislative proceeding, nor shall any individual or organization with lawful access to identifiable health data under the provisions of this Act be compelled to testify with regard to such health data, except that data pertaining to a party in litigation may be subject to subpoena or similar compulsory process in an action brought by or on behalf of such individual to enforce any liability arising under this Act.

(Source: P.A. 82-215.)

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

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

### 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 May, HOUSE BILL 6030 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:

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

(ROLL CALL 48)

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 BILL ON SECOND 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 5420.

### 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 Nekritz, HOUSE BILL 6208 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: 109, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 49)

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 5745 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: 109, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 50)

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 5744 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: 110, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 51)

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 6235 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: 109, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 52)

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 5917 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: 92, Yeas; 16, Nays; 2, Answering Present.

(ROLL CALL 53)

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 6099. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Agriculture & Conservation, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 6099 by replacing everything after the enacting clause with the following:

"Section 5. The Lawn Care Products Application and Notice Act is amended by changing Sections 2 and 7 and adding Sections 5a, 5b, and 9 as follows:

(415 ILCS 65/2) (from Ch. 5, par. 852)

Sec. 2. Definitions.

For purposes of this Act:

"Application" means the spreading of lawn care products on a lawn.

"Applicator for hire" means any person who makes an application of lawn care products to a lawn or lawns for compensation, including applications made by an employee to lawns owned, occupied or managed by his employer and includes those licensed by the Department as licensed commercial applicators, commercial not-for-hire applicators, licensed public applicators, certified applicators and licensed operators and those otherwise subject to the licensure provisions of the Illinois Pesticide Act, as now or hereafter amended.

"Buffer" means an area adjacent to a body of water that is left untreated with any fertilizer.

"Day care center" means any facility that qualifies as a "day care center" under the Child Care Act of 1969.

"Department" means the Illinois Department of Agriculture.

"Department of Public Health" means the Illinois Department of Public Health.

"Facility" means a building or structure and appurtenances thereto used by an applicator for hire for storage and handling of pesticides or the storage or maintenance of pesticide application equipment or vehicles.

"Fertilizer" means any substance containing nitrogen, phosphorus or potassium or other recognized plant nutrient or compound, which is used for its plant nutrient content.

"Golf course" means an area designated for the play or practice of the game of golf, including surrounding grounds, trees, ornamental beds and the like.

"Golf course superintendent" means any person entrusted with and employed for the care and maintenance of a golf course.

"Impervious surface" means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

"Lawn" means land area covered with turf kept closely mown or land area covered with turf and trees or shrubs. The term does not include (1) land area used for research for agricultural production or for the commercial production of turf, (2) land area situated within a public or private right-of-way, or (3) land area which is devoted to the production of any agricultural commodity, including, but not limited to plants and plant parts, livestock and poultry and livestock or poultry products, seeds, sod, shrubs and other products of agricultural origin raised for sale or for human or livestock consumption.

"Lawn care products" means fertilizers or pesticides applied or intended for application to lawns.

"Person" means any individual, partnership, association, corporation or State governmental agency, school district, unit of local government and any agency thereof.

"Pesticide" means any substance or mixture of substances defined as a pesticide under the Illinois Pesticide Act, as now or hereafter amended.

"Plant protectants" means any substance or material used to protect plants from infestation of insects, fungi, weeds and rodents, or any other substance that would benefit the overall health of plants.

"Soil test" means a chemical and mechanical analysis of soil nutrient values and pH level as it relates to the soil and development of a lawn.

"Spreader" means any commercially available fertilizing device used to evenly distribute fertilizer material.

"Turf" means the upper stratum of soils bound by grass and plant roots into a thick mat.

"0% phosphate fertilizer" means a fertilizer that contains no more than 0.67% available phosphoric acid (P<sub>2</sub>O<sub>5</sub>).

(Source: P.A. 96-424, eff. 8-13-09.)

(415 ILCS 65/5a new)

Sec. 5a. Fertilizer; application restrictions.

(a) No applicator for hire shall:

(1) Apply phosphorus-containing fertilizer to a lawn, except as demonstrated to be necessary by a soil test that establishes that the soil is lacking in phosphorous when compared against the standard established by the University of Illinois. The soil test required under this paragraph (1) shall be conducted no more than 36 months before the intended application of the fertilizer and by a soil testing laboratory that has been identified by the University of Illinois, or approved by the Department, as an acceptable laboratory for soil testing. However, a soil test shall not be required under this paragraph (1) if the fertilizer to be applied is a 0% phosphate fertilizer or the fertilizer is being applied to establish a lawn in the first growing season.

(2) Apply fertilizer to an impervious surface, except where the application is inadvertent and fertilizer is swept or blown back into the target area or returned to either its original or another appropriate container for reuse.

(3) Apply fertilizer using a spray, drop, or rotary spreader with a deflector within a 3 foot buffer of any water body, except that when this equipment is not used, fertilizer may not be applied within a 15 foot buffer of any water body.

(4) Apply fertilizer at any time when the lawn is frozen or saturated. For the purposes of this paragraph (4), a lawn is frozen when its root system is frozen (typically 3 or 4 inches down), and a lawn is saturated when it bears ample evidence of being or having been inundated by standing water.

(b) This Section does not apply to the application of fertilizer on property used in the operation of a commercial farm, lands classified as agricultural lands, or golf courses.

(415 ILCS 65/5b new)

Sec. 5b. Company locations that employ applicators for hire; registration.

(a) Each company location that employs an applicator for hire to apply fertilizer to lawns must be registered with the Department on forms provided by the Director of Agriculture, and must pay a \$100 annual registration fee. The late application fee shall be \$20 in addition to the normal fee. Each company location that employs an applicator for hire to apply fertilizer to lawns shall be assessed a \$5 fee for a duplicate registration. Each registration shall expire on December 31 of each year.

(b) The Director may prescribe, by rule, requirements for the registration of each company location that employs applicators for hire to apply fertilizer to lawns.

(415 ILCS 65/7) (from Ch. 5, par. 857)

Sec. 7. When an administrative hearing is held by the Department, the hearing officer, upon determination of any violation of this Act or rule or regulation, shall either refer the violation to the States Attorney's office in the county where the alleged violation occurred for prosecution or levy the following administrative monetary penalties:

- (a) a penalty of ~~\$250~~ ~~\$100~~ for a first violation;
- (b) a penalty of ~~\$500~~ ~~\$200~~ for a second violation; and
- (c) a penalty of ~~\$1,000~~ ~~\$500~~ for a third or subsequent violation.

The penalty levied shall be collected by the Department, and all penalties collected by the Department under this Act shall be deposited into the Pesticide Control Fund. Any penalty not paid within 60 days of notice from the Department shall be submitted to the Attorney General's office for collection.

Upon prosecution by a State's Attorney, a violation of this Act or rules shall be a petty offense subject to a fine of ~~\$250~~ ~~\$100~~ for a first offense, a fine of ~~\$500~~ ~~\$200~~ for a second offense and a fine of ~~\$1,000~~ ~~\$500~~ for a third or subsequent offense.

(Source: P.A. 86-358; 87-1033.)

(415 ILCS 65/9 new)

Sec. 9. Home rule.

(a) The regulation of the application of fertilizer to a lawn by an applicator for hire and the regulation of the sale of fertilizer are exclusive powers and functions of the State. A unit of local government, including a home rule unit, may not regulate the application of fertilizer to a lawn by an applicator for hire or the sale of fertilizer. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) Nothing in this amendatory Act of the 96th General Assembly, however, shall be construed to preempt any otherwise valid law or ordinance enacted on or before the effective date of this amendatory Act of the 96th General Assembly by a unit of local government, including a home rule unit, regulating the sale of fertilizer.

(415 ILCS 65/8 rep.)

Section 10. The Lawn Care Products Application and Notice Act is amended by repealing Section 8.

Section 99. Effective date. This Act takes effect July 1, 2010."

Representative Phelps offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 6099, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Lawn Care Products Application and Notice Act is amended by changing Sections 2 and 7 and adding Sections 5a and 9 as follows:

(415 ILCS 65/2) (from Ch. 5, par. 852)

Sec. 2. Definitions.

For purposes of this Act:

"Application" means the spreading of lawn care products on a lawn.

"Applicator for hire" means any person who makes an application of lawn care products to a lawn or lawns for compensation, including applications made by an employee to lawns owned, occupied or managed by his employer and includes those licensed by the Department as licensed commercial applicators, commercial not-for-hire applicators, licensed public applicators, certified applicators and licensed operators and those otherwise subject to the licensure provisions of the Illinois Pesticide Act, as now or hereafter amended.

"Buffer" means an area adjacent to a body of water that is left untreated with any fertilizer.

"Day care center" means any facility that qualifies as a "day care center" under the Child Care Act of 1969.

"Department" means the Illinois Department of Agriculture.

"Department of Public Health" means the Illinois Department of Public Health.

"Facility" means a building or structure and appurtenances thereto used by an applicator for hire for storage and handling of pesticides or the storage or maintenance of pesticide application equipment or vehicles.

"Fertilizer" means any substance containing nitrogen, phosphorus or potassium or other recognized plant nutrient or compound, which is used for its plant nutrient content.

"Golf course" means an area designated for the play or practice of the game of golf, including surrounding grounds, trees, ornamental beds and the like.

"Golf course superintendent" means any person entrusted with and employed for the care and maintenance of a golf course.

"Impervious surface" means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

"Lawn" means land area covered with turf kept closely mown or land area covered with turf and trees or shrubs. The term does not include (1) land area used for research for agricultural production or for the commercial production of turf, (2) land area situated within a public or private right-of-way, or (3) land area which is devoted to the production of any agricultural commodity, including, but not limited to plants and plant parts, livestock and poultry and livestock or poultry products, seeds, sod, shrubs and other products of agricultural origin raised for sale or for human or livestock consumption.

"Lawn care products" means fertilizers or pesticides applied or intended for application to lawns.

"Lawn repair products" means seeds, including seeding soils, that contain or are coated with or encased in fertilizer material.

"Person" means any individual, partnership, association, corporation or State governmental agency, school district, unit of local government and any agency thereof.

"Pesticide" means any substance or mixture of substances defined as a pesticide under the Illinois Pesticide Act, as now or hereafter amended.

"Plant protectants" means any substance or material used to protect plants from infestation of insects, fungi, weeds and rodents, or any other substance that would benefit the overall health of plants.

"Soil test" means a chemical and mechanical analysis of soil nutrient values and pH level as it relates to the soil and development of a lawn.

"Spreader" means any commercially available fertilizing device used to evenly distribute fertilizer material.

"Turf" means the upper stratum of soils bound by grass and plant roots into a thick mat.

"0% phosphate fertilizer" means a fertilizer that contains no more than 0.67% available phosphoric acid (P<sub>2</sub>O<sub>5</sub>).

(Source: P.A. 96-424, eff. 8-13-09.)

(415 ILCS 65/5a new)

Sec. 5a. Fertilizer; application restrictions.

(a) No applicator for hire shall:

(1) Apply phosphorus-containing fertilizer to a lawn, except as demonstrated to be necessary by a soil test that establishes that the soil is lacking in phosphorous when compared against the standard established by the University of Illinois. The soil test required under this paragraph (1) shall be conducted no more than 36 months before the intended application of the fertilizer and by a soil testing laboratory that has been identified by the University of Illinois as an acceptable laboratory for soil testing. However, a soil test shall not be required under this paragraph (1) if the fertilizer to be applied is a 0% phosphate fertilizer or the fertilizer is being applied to establish a lawn in the first 2 growing seasons.

(2) Apply fertilizer to an impervious surface, except where the application is inadvertent and fertilizer is swept or blown back into the target area or returned to either its original or another appropriate container for reuse.

(3) Apply fertilizer using a spray, drop, or rotary spreader with a deflector within a 3 foot buffer of any water body, except that when this equipment is not used, fertilizer may not be applied within a 15 foot buffer of any water body.

(4) Apply fertilizer at any time when the lawn is frozen or saturated. For the purposes of this paragraph (4), a lawn is frozen when its root system is frozen (typically 3 or 4 inches down), and a lawn is saturated when it bears ample evidence of being or having been inundated by standing water.

(b) This Section does not apply to the application of fertilizer on property used in the operation of a commercial farm, lands classified as agricultural lands, or golf courses.

(c) This Section does not apply to the application of lawn repair products.

(d) This Section does not apply to the application of manipulated animal or vegetable manure that is ground, pelletized, mechanically dried, packaged, or supplemented with plant nutrients or other substances other than phosphorus.

(415 ILCS 65/7) (from Ch. 5, par. 857)

Sec. 7. When an administrative hearing is held by the Department, the hearing officer, upon determination of any violation of this Act or rule or regulation, shall either refer the violation to the States Attorney's office in the county where the alleged violation occurred for prosecution or levy the following administrative monetary penalties:

(a) a penalty of ~~\$250~~ ~~\$100~~ for a first violation;

(b) a penalty of ~~\$500~~ ~~\$200~~ for a second violation; and

(c) a penalty of ~~\$1,000~~ ~~\$500~~ for a third or subsequent violation.

The penalty levied shall be collected by the Department, and all penalties collected by the Department under this Act shall be deposited into the Pesticide Control Fund. Any penalty not paid within 60 days of notice from the Department shall be submitted to the Attorney General's office for collection.

Upon prosecution by a State's Attorney, a violation of this Act or rules shall be a petty offense subject to a fine of ~~\$250~~ ~~\$400~~ for a first offense, a fine of ~~\$500~~ ~~\$200~~ for a second offense and a fine of ~~\$1,000~~ ~~\$500~~ for a third or subsequent offense.

(Source: P.A. 86-358; 87-1033.)

(415 ILCS 65/9 new)

Sec. 9. Home rule. A unit of local government may not regulate fertilizer in a manner more restrictive than the regulation of fertilizer by the State under this Act, unless the Department of Agriculture determines that a proposed ordinance of a unit of local government is reasonable under the specific circumstances based on standards that the Department shall adopt by rule. 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.

(415 ILCS 65/8 rep.)

Section 10. The Lawn Care Products Application and Notice Act is amended by repealing Section 8.

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 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 held on the order of Second Reading: HOUSE BILL 6434.

#### **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 Rita, HOUSE BILL 6239 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; 13, Nays; 1, Answering Present.  
(ROLL CALL 54)

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 BILL ON SECOND READING**

HOUSE BILL 5214. Having been read by title a second time on March 18, 2010, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

#### **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 Reis, HOUSE BILL 5301 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; 14, Nays; 0, Answering Present.  
(ROLL CALL 55)

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 BILL ON SECOND READING**

HOUSE BILL 5766. Having been read by title a second time on March 11, 2010, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

#### **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 Mautino, HOUSE BILL 5158 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: 109, Yeas; 0, Nays; 1, Answering Present.

(ROLL CALL 56)

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.

### RECALL

At the request of the principal sponsor, Representative DeLuca, HOUSE BILL 6252 was recalled from the order of Third Reading to the order of Second Reading.

### HOUSE BILLS ON SECOND READING

HOUSE BILL 6252. Having been recalled on March 25, 2010, the same was again taken up. Representative DeLuca offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 6252, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Fireworks Use Act is amended by adding Sections 1 and 6 as follows:

(425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

Sec. 1. Definitions. As used in this Act, the following words shall have the following meanings:

"Advertiser" means a fireworks company purchasing an advertisement on an advertising medium.

"Advertising mediums" means billboards, radio, television, and print advertising.

"1.3G fireworks" means those fireworks used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 C.F.R. 172.101.

"Consumer distributor" means any person who distributes, offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois to another distributor or directly to any retailer or person for resale.

"Consumer fireworks" means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101. "Consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

"Consumer fireworks display" or "consumer display" means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect.

"Consumer operator" means an adult individual who is responsible for the safety, setup, and discharge of the consumer fireworks display and who has completed the training required in Section 2.2 of this Act.

"Consumer retailer" means any person who offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois directly to any person with a consumer display permit.

"Display fireworks" means 1.3G or special effects fireworks or as further defined in the Pyrotechnic Distributor and Operator Licensing Act.

"Flame effect" means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged, in accordance with National Fire Protection Association 160 guidelines, and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act.

"Lead pyrotechnic operator" means an individual who is responsible for the safety, setup, and discharge of the pyrotechnic display or pyrotechnic service and who is licensed pursuant to the Pyrotechnic



Distributor and Operator Licensing Act.

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, commercial entity, state, municipality, or political subdivision of a state or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities.

"Production company" means any person in the film, digital and video media, television, commercial, and theatrical stage industry who provides pyrotechnic services or pyrotechnic display services as part of a film, digital and video media, television, commercial, or theatrical production in the State of Illinois and is licensed by the Office pursuant to the Pyrotechnic Distributor and Operator Licensing Act.

"Pyrotechnic display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of a exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged, and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act.

"Pyrotechnic distributor" means any person who distributes display fireworks for sale in the State of Illinois or provides them as part of a pyrotechnic display service in the State of Illinois or provides only pyrotechnic services and is licensed by the Office pursuant to the Pyrotechnic Distributor and Operator Licensing Act.

"Pyrotechnic service" means the detonation, ignition or deflagration of display fireworks, special effects or flame effects to produce a visual or audible effect.

"Special effects fireworks" means pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such or identified as "intended for indoor use". "Special effects fireworks" are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 C.F.R. 172.101.

(Source: P.A. 95-331, eff. 8-21-07; 96-708, eff. 8-25-09.)

(425 ILCS 35/6 new)

Sec. 6. Advertising of fireworks.

(a) After January 1, 2011, all commercial advertising mediums for consumer fireworks shall bear the following statement:

WARNING: Illinois Law Prohibits the Possession of Certain Fireworks Without a Proper Permit. Check with Local Fire Department/Law Enforcement Prior to Purchase.

(b) Such warning on billboards shall appear in the format and type style prescribed under 15 U.S.C. 1333 (b)(3), as amended.

(c) Such warning in print shall appear in the format and type style prescribed under Section 201 of the federal Family Smoking Prevention and Tobacco Control Act (Public Law 111-31), as amended.

(d) Such warning in broadcast shall be verbal, clear, and concise.

(e) Any advertiser whose advertisement does not conform to the provisions of this Section shall be subject to a fine not to exceed \$1,000 per day.

(f) The State's Attorney of the county in which a violation occurs or the Attorney General may bring an action for the enforcement of this Section and the rules adopted and orders issued under this Section, in the name of the People of the State of Illinois, and may, in addition to other remedies provided in this Act, bring an action for a temporary restraining order, preliminary injunction, or an injunction to restrain any actual or threatened violation or to impose or collect a civil penalty for any violation."

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 5732. Having been reproduced, was taken up and read by title a second time.

Representative Dugan offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 5732 by replacing everything after the enacting clause with the following:

"Section 5. The Downstate Public Transportation Act is amended by changing Section 2-5.1 as follows: (30 ILCS 740/2-5.1)

Sec. 2-5.1. Additional requirements.

(a) Any unit of local government that becomes a participant on or after the effective date of this amendatory Act of the 94th General Assembly shall, in addition to any other requirements under this Article, meet all of the following requirements when applying for grants under this Article:

(1) The grant application must demonstrate the participant's plan to provide general public transportation with an emphasis on elderly, disabled, and economically disadvantaged populations.

(2) The grant application must demonstrate the participant's plan for interagency coordination that, at a minimum, allows the participation of all State-funded and federally-funded agencies and programs with transportation needs in the proposed service area in the development of the applicant's public transportation program.

(3) Any participant serving a nonurbanized area that is not receiving Federal Section 5311 funding must meet the operating and safety compliance requirements as set forth in that federal program.

(4) The participant is required to hold public hearings to allow comment on the proposed service plan in all municipalities with populations of 1,500 inhabitants or more within the proposed service area.

(b) Service extensions by any participant after July 1, 2005 by either annexation or intergovernmental agreement must meet the 4 requirements of subsection (a).

(c) In order to receive funding, the Department shall certify that the participant has met the requirements of this Section. Funding priority shall be given to service extension, multi-county, and multi-jurisdictional projects.

(d) The Department shall develop an application process for funding in new service areas. The application shall seek information from potential applicants that includes, but is not limited to, a description of the proposed service in the new area and a budget for providing that service. The application must also contain the information described in item (1) of subsection (a) of this Section. The Department shall certify that the applicant has met the requirements of this Section and shall submit an appropriation for the applicant that is equal to 65% of eligible operating expenses of an approved budget for the applicant's new service area. If the applicant is an existing participant that is extending its service area, either by annexation or intergovernmental agreement, then, in the first fiscal year following the extension of the service area, that participant's appropriation shall exceed its 10% annual growth by an amount equal to 65% of eligible operating expenses of its approved budget for the new service area.

(Source: P.A. 94-70, eff. 6-22-05.)"

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 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 DeLuca, HOUSE BILL 6252 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: 79, Yeas; 31, Nays; 0, Answering Present.

(ROLL CALL 57)

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 BILL ON SECOND READING

HOUSE BILL 6434. Having been read by title a second time on March 25, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Rita offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 6434 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Section 5-5.8a-1 as follows:

(305 ILCS 5/5-5.8a-1 new)

Sec. 5-5.8a-1. Long-term care disproportionate share adjustment. The Department shall establish a payment adjustment program to aid long-term care facilities licensed by the Department of Public Health, under the Nursing Home Care Act, as skilled care or intermediate care facilities that serve a preponderance of Medicaid residents. The program shall be referred to as the Long-Term Care Disproportionate Share Adjustment Program. Long-term care facilities determined by the Department to qualify for the program shall receive an add-on adjustment to their nursing component rate, which shall be established by rule no later than December 31, 2010 and adjusted annually thereafter.

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 BILL 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 Burns, HOUSE BILL 6462 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:

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

(ROLL CALL 58)

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 Burns, HOUSE BILL 6129 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:

93, Yeas; 17, Nays; 0, Answering Present.

(ROLL CALL 59)

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 5868. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Business & Occupational Licenses, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5868 by replacing everything after the enacting clause with the following:

"Section 5. The Real Estate Appraiser Licensing Act of 2002 is amended by changing Section 1-5 as follows:

(225 ILCS 458/1-5)

(Section scheduled to be repealed on January 1, 2012)

Sec. 1-5. Legislative intent. ~~The~~ ~~The~~ intent of the General Assembly in enacting this Act is to evaluate the competency of persons engaged in the appraisal of real estate in connection with a federally related transaction and to license and regulate those persons for the protection of the public. Additionally, it is the intent of the General Assembly for this Act to be consistent with the provisions of Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989. (Source: P.A. 92-180, eff. 7-1-02.)".

Representative Saviano offered the following amendments and moved their adoption:

AMENDMENT NO. 2. Amend House Bill 5868, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Real Estate Appraiser Licensing Act of 2002 is amended by changing Sections 1-10, 5-5, 10-10, 15-5, 15-15, and 25-10 and by adding Section 5-20.3 as follows:

(225 ILCS 458/1-10)

(Section scheduled to be repealed on January 1, 2012)

Sec. 1-10. Definitions. As used in this Act, unless the context otherwise requires:

"Accredited college or university, junior college, or community college" means a college or university, junior college, or community college that is approved or accredited by the Board of Higher Education, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

"Applicant" means person who applies to the Department for a license under this Act.

"Appraisal" means (noun) the act or process of developing an opinion of value; an opinion of value (adjective) of or pertaining to appraising and related functions, such as appraisal practice or appraisal services.

"Appraisal assignment" means a valuation service provided as a consequence of an agreement between an appraiser and a client.

"Appraisal company" means any individual, corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity that (i) administers networks of independent contractor appraisers to perform real estate appraisal services for clients; (ii) receives requests for real estate appraisal services from clients and enters into an agreement with one or more independent contractor appraisers to perform the real estate appraisal services contained in the request; or (iii) otherwise serves as a third-party broker of appraisal services between clients and appraisers.

For the purposes of this definition, "appraisal company" includes an appraisal management company.

"Appraisal consulting" means the act or process of developing an analysis, recommendation, or opinion to solve a problem, where an opinion of value is a component of the analysis leading to the assignment results.

"Appraisal management company" means a business entity that (i) administers a network of certified and licensed appraisers to fulfill real estate appraisal assignments on behalf of mortgage lending institutions, as well as other entities; (ii) recruits, qualifies, verifies the licensing of, and negotiates fees and service level expectations with a network of third-party appraisers; (iii) provides administrative duties including order entry and assignment, tracking and status updates, pre-delivery quality control, and preliminary and hard copy report delivery; and (iv) involves ongoing quality control, accounts payable and receivable, market value dispute resolution, warranty administration, and record retention.

"Appraisal practice" means valuation services performed by an individual acting as an appraiser, including, but not limited to, appraisal, appraisal review, or appraisal consulting.

"Appraisal report" means any communication, written or oral, of an appraisal, appraisal review, or appraisal consulting service that is transmitted to a client upon completion of an assignment.

"Appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal, appraisal review, or appraisal assignment.

"Appraisal Subcommittee" means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council as established by Title XI.

"Appraiser" means a person, corporation, limited liability company, registered limited liability partnership, or partnership that who performs real estate or real property appraisals. "Appraiser" does not mean an appraisal company or appraisal management company.

"AQB" means the Appraisal Qualifications Board of the Appraisal Foundation.

"Associate real estate trainee appraiser" means an entry-level appraiser who holds a license of this classification under this Act with restrictions as to the scope of practice in accordance with this Act.

"Board" means the Real Estate Appraisal Administration and Disciplinary Board.

"Classroom hour" means 50 minutes of instruction out of each 60 minute segment of coursework.

"Client" means (i) the party or parties who engage an appraiser or appraisal management company by employment or contract in a specific assignment or (ii) the person who utilizes the services of an appraiser or engages an appraiser for an appraisal by employment or contract in a specific assignment.

"Coordinator" means the Coordinator of Real Estate Appraisal of the Division of Professional Regulation of the Department of Financial and Professional Regulation.

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

"Due date" means the agreed upon date, based on Central Standard Time, by which an assignment result is to be received by the client.

"Federal financial institutions regulatory agencies" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration.

"Federally related transaction" means any real estate-related financial transaction in which a federal financial institutions regulatory agency, the Department of Housing and Urban Development, Fannie Mae, Freddie Mae, or the National Credit Union Administration engages in, contracts for, or regulates and requires the services of an appraiser.

"Financial institution" means any bank, savings bank, savings and loan association, credit union, mortgage broker, mortgage banker, licensee under the Consumer Installment Loan Act or the Sales Finance Agency Act, or a corporate fiduciary, subsidiary, affiliate, parent company, or holding company of any such licensee, or any institution involved in real estate financing that is regulated by state or federal law.

"Managing appraiser" means a certified appraiser who has supervisory responsibilities for licensees in one or, in the case of a multi-office company, more than one office and who has been appointed as such by the owning appraiser.

"Modular Course" means the Appraisal Qualifying Course Design conforming to the Sub Topics Course Outline contained in the AQB Criteria 2008.

"Real estate" means an identified parcel or tract of land, including any improvements.

"Real estate related financial transaction" means any transaction involving:

- (1) the sale, lease, purchase, investment in, or exchange of real property, including interests in property or the financing thereof;
- (2) the refinancing of real property or interests in real property; and
- (3) the use of real property or interest in property as security for a loan or investment, including mortgage backed securities.

"Real property" means the interests, benefits, and rights inherent in the ownership of real estate.

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

"State certified general real estate appraiser" means an appraiser who holds a license of this classification under this Act and such classification applies to the appraisal of all types of real property without restrictions as to the scope of practice.

"State certified residential real estate appraiser" means an appraiser who holds a license of this classification under this Act and such classification applies to the appraisal of one to 4 units of residential real property without regard to transaction value or complexity, but with restrictions as to the scope of practice in a federally related transaction in accordance with Title XI, the provisions of USPAP, criteria established by the AQB, and further defined by rule.

"Supervising appraiser" means either (i) an appraiser who holds a valid license under this Act as either a State certified general real estate appraiser or a State certified residential real estate appraiser, who co-signs an appraisal report for an associate real estate trainee appraiser or (ii) a State certified general real estate appraiser who holds a valid license under this Act who co-signs an appraisal report for a State certified residential real estate appraiser on properties other than one to 4 units of residential real property without regard to transaction value or complexity.

"Title XI" means Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989.

"Turnaround time" or "turn time" means the period from when an appraisal assignment is accepted by an appraiser or appraisal company until it is received by the vendor management company.

"USPAP" means the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board pursuant to Title XI and by rule.

"Valuation services" means services pertaining to aspects of property value.

(Source: P.A. 96-844, eff. 12-23-09.)

(225 ILCS 458/5-5)

(Section scheduled to be repealed on January 1, 2012)

Sec. 5-5. Necessity of license; use of title; exemptions.

(a) It is unlawful for a person to (i) act, offer services, or advertise services as a State certified general real estate appraiser, State certified residential real estate appraiser, or associate real estate trainee appraiser, (ii) develop a real estate appraisal, (iii) practice as a real estate appraiser, (iv) advertise or hold himself or herself out to be a real estate appraiser, or (v) solicit clients or enter into an appraisal engagement with clients without a license issued under this Act. A person who violates this subsection is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for any subsequent offense.

(b) It is unlawful for a person, other than a person who holds a valid license issued pursuant to this Act as a State certified general real estate appraiser, a State certified residential real estate appraiser, or an associate real estate trainee appraiser to use these titles or any other title, designation, or abbreviation likely to create the impression that the person is licensed as a real estate appraiser pursuant to this Act. A person who violates this subsection is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for any subsequent offense.

(b-1) It is unlawful for any person, corporation, limited liability company, registered limited liability partnership, or partnership (i) to act as an appraiser or appraisal company or to advertise or assume to act as such appraiser or appraisal company without a properly issued license issued under this Act by the Department, either directly or through its authorized designee; (ii) to develop a real estate appraisal; (iii) to practice as a real estate appraiser; (iv) to advertise or hold himself, herself, or itself out to be a real estate appraiser or appraisal company; or (v) to solicit clients or enter into an appraisal engagement with clients without a real estate appraiser license or appraisal company license issued under this Act. A person who violates this subsection (b-1) is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for any subsequent offense.

(b-2) No corporation shall be granted a license or engage in the business or capacity, either directly or indirectly, of a real estate appraiser or appraisal company, unless every officer of the corporation who actively participates in the activities of the corporation holds a license as a certified general real estate appraiser or a certified residential real estate appraiser and unless every employee who acts as an appraiser for the corporation holds a license as a certified general real estate appraiser, a certified residential real estate appraiser, or an associate real estate appraisal trainee.

(b-3) No partnership shall be granted a license or engage in the business or serve in the capacity, either directly or indirectly, of a real estate appraiser or appraisal company unless every general partner in the partnership holds a license as a certified general real estate appraiser or as a certified residential real estate appraiser and unless every employee who acts as an appraiser holds a license as a certified general real estate appraiser, a certified residential appraiser, or as an associate real estate appraisal trainee.

In the case of a registered limited liability partnership (LLP), every partner in the LLP must hold a license as a certified certified general real estate appraiser or as a certified residential real estate appraiser and every employee who acts as an appraiser must hold a license as a certified general real estate appraiser, a certified residential real estate appraiser, or an associate real estate appraisal trainee.

(b-4) No limited liability company shall be granted a license or engage in the business or serve in the capacity, either directly or indirectly, of a real estate appraiser or appraisal company unless every member, employee, and independent contractor of the limited liability company who acts as an appraiser holds a license as a certified residential real estate appraiser or an associate real estate appraisal trainee.

(b-5) No person, corporation, limited liability company, registered limited liability partnership, or partnership shall be licensed to conduct an appraisal business if an individual or group of individuals who are not licensed as certified appraisers in this State directly own or indirectly control more than 49% of the shares of stock or other ownership in the partnership or corporation.

(b-6) Except as provided in this Section, each appraiser shall maintain a definite office or place of business within this State for the transaction of appraisal business, and shall conspicuously display his or her license in his or her office or place of business. An appraiser who is licensed in this State pursuant to Sections 5-10, 5-15, and 5-30 of this Act shall not be required to maintain a definite office or place of

business in this State provided all of the following conditions are met:

(1) the appraiser maintains an active certified general real estate appraiser license or a certified residential real estate appraiser license in the appraiser's state of domicile

(2) the appraiser maintains an office in the appraiser's state of domicile; and

(3) the appraiser has filed with the Department written statements appointing the Secretary to act as the appraiser's agent upon whom all judicial and other process or legal notices directed to the licensee may be served and agreeing to abide by all of the provisions of this Act with respect to his or her appraisal activities within the State of Illinois and submitting to the jurisdiction of the Department.

(b-7) Except as provided in this Section, each appraisal company shall maintain a definite office or place of business within this State for the transaction of appraisal business, and shall conspicuously display its license in its office or place of business. An appraisal company that is licensed in this State pursuant to Section 5-20.3 of this Act shall not be required to maintain a definite office or place of business in this State provided all of the following conditions are met:

(1) the appraisal company is authorized to conduct business as an appraisal company in its state of domicile

(2) the appraisal company maintains an office in its state of domicile; and

(3) the appraisal company has filed with the Department written statements appointing the Secretary to act as the appraisal company's agent upon whom all judicial and other process or legal notices directed to the licensee may be served and agreeing to abide by all of the provisions of this Act with respect to its appraisal activities within the State of Illinois and submitting to the jurisdiction of the Department.

(b-8) Upon the loss of a managing appraiser who is not replaced or in the event of the death or adjudicated disability of the sole proprietor of an office, a written request for authorization allowing the continued operation of the office may be submitted to the Department within 15 days after the loss. The Department may issue a written authorization allowing the continued operation, provided that a certified appraiser, or in the case of the death or adjudicated disability of a sole proprietor, the representative of the estate assumes responsibility, in writing, for the operation of the office and agrees to personally supervise the operation of the office. No such written authorization shall be valid for more than 60 days unless extended by the Department for good cause shown and upon written request by the appraiser or representative.

(c) The licensing requirements of this Act do not require a person who holds a valid license pursuant to the Real Estate License Act of 2000, to be licensed as a real estate appraiser under this Act, unless that person is providing or attempting to provide an appraisal report, as defined in Section 1-10 of this Act, in connection with a federally-related transaction. Nothing in this Act shall prohibit a person who holds a valid license under the Real Estate License Act of 2000 from performing a comparative market analysis or broker price opinion for compensation, provided that the person does not hold himself out as being a licensed real estate appraiser.

(d) Nothing in this Act shall preclude a State certified general real estate appraiser, a State certified residential real estate appraiser, or an associate real estate trainee appraiser from rendering appraisals for or on behalf of a partnership, association, corporation, firm, or group. ~~However, no State appraisal license or certification shall be issued under this Act to a partnership, association, corporation, firm, or group.~~

(e) This Act does not apply to a county assessor, township assessor, multi-township assessor, county supervisor of assessments, or any deputy or employee of any county assessor, township assessor, multi-township assessor, or county supervisor of assessments who is performing his or her respective duties in accordance with the provisions of the Property Tax Code.

(f) A State real estate appraisal certification or license is not required under this Act for any of the following:

(1) A person, partnership, association, or corporation that performs appraisals of property owned by that person, partnership, association, or corporation for the sole use of that person, partnership, association, or corporation.

(2) A court-appointed commissioner who conducts an appraisal pursuant to a judicially ordered evaluation of property.

However, any person who is certified or licensed under this Act and who performs any of the activities set forth in this subsection (f) must comply with the provisions of this Act. A person who violates this subsection (f) is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for any subsequent offense.

(g) This Act does not apply to an employee, officer, director, or member of a credit or loan committee of a financial institution or any other person engaged by a financial institution when

performing an evaluation of real property for the sole use of the financial institution in a transaction for which the financial institution would not be required to use the services of a State licensed or State certified appraiser pursuant to federal regulations adopted under Title XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989, nor does this Act apply to the procurement of an automated valuation model.

"Automated valuation model" means an automated system that is used to derive a property value through the use of publicly available property records and various analytic methodologies such as comparable sales prices, home characteristics, and historical home price appreciations.

(h) This Act does not apply to a corporate relocation company whereby the appraisal is not used for mortgage purposes and the end user client is an employer company.

(i) This Section shall not be applicable to appraisers or appraisal companies that contract with independent appraisers for the performance of fewer than 10 appraisals in this State in a calendar year.

(Source: P.A. 96-844, eff. 12-23-09.)

(225 ILCS 458/5-20.3 new)

(Section scheduled to be repealed on January 1, 2012)

Sec. 5-20.3. Licensure of appraisal company. The Department of Financial and Professional Regulation shall adopt by rule standards for the licensure of appraisal companies designed to protect the public interest and to ensure compliance with this Act. The Department shall specify any qualifications, including education or training, necessary for licensure. The fee for licensure as an appraisal company license shall not exceed \$50.

(225 ILCS 458/10-10)

(Section scheduled to be repealed on January 1, 2012)

Sec. 10-10. Standards of practice. All persons licensed under this Act as certified general real estate appraisers, certified residential real estate appraisers, or associate real estate appraisal trainees must comply with standards of professional appraisal practice adopted by the Department. The Department must adopt, as part of its rules, the Uniform Standards of Professional Appraisal Practice (USPAP) as published from time to time by the Appraisal Standards Board of the Appraisal Foundation. The Department shall consider federal laws and regulations regarding the licensure of real estate appraisers prior to adopting its rules for the administration of this Act. An appraisal company shall not request that an appraiser in any way violate the standards of USPAP. An appraisal company shall not redact or otherwise obscure compensation related disclosures contained within the body of an appraisal report.

(Source: P.A. 96-844, eff. 12-23-09.)

(225 ILCS 458/15-5)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-5. Unlicensed practice; civil penalty; injunctive relief; unlawful influence.

(a) A person who violates Section 5-5 of 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 \$25,000 for each violation as determined by the Secretary. The civil penalty shall be assessed by the Secretary after a hearing in accordance with the provisions of this Act regarding the provision of a hearing for the discipline of a license.

(b) The Department has the authority to investigate any activity that may violate this Act.

(c) A civil penalty imposed pursuant to subsection (a) shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and executed in the same manner as any judgment from any court of record. Any civil penalty collected under this Act shall be made payable to the Department of Financial and Professional Regulation and deposited into the Appraisal Administration Fund. In addition to or in lieu of the imposition of a civil penalty, the Department may report a violation of this Act or the failure or refusal to comply with an order of the Department to the Attorney General or to the appropriate State's Attorney.

(d) Practicing as an appraiser without holding a valid license as required under this Act is declared to be adverse to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare. The Secretary, the Attorney General, or the State's Attorney of any county in the State may maintain an action for injunctive relief in any circuit court to enjoin any person from engaging in such practice.

Upon the filing of a verified petition in a circuit court, the court, if satisfied by affidavit or otherwise that a person has been engaged in the practice of real estate appraisal without a valid license, may enter a temporary restraining order without notice or bond enjoining the defendant from further practice. The showing of non-licensure, by affidavit or otherwise, is sufficient for the issuance of a temporary injunction. If it is established that the defendant has been or is engaged in unlawful practice, the court may enter an



order or judgment perpetually enjoining the defendant from further unlawful practice. In all proceedings under this Section, the court, in its discretion, may apportion the costs among the parties interested in the action, including the cost of filing the complaint, service of process, witness fees and expenses, court reporter charges, and reasonable attorneys' fees. These injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Act.

(e) No person shall influence or attempt to influence through coercion, extortion, or bribery the independent judgment of an appraiser licensed or certified under this Act in the development, reporting, result, or review of a real estate appraisal. A person who violates this subsection (e) is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for any subsequent offense.

(f) It shall be unlawful for any employee, director, officer, or agent of an appraisal company licensed in this State to influence or attempt to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, bribery, or in any other manner, including, but not limited to, the following:

(1) withholding or threatening to withhold timely payment for an appraisal;

(2) withholding or threatening to withhold future business for an independent appraiser, or demoting or terminating or threatening to demote or terminate an independent appraiser;

(3) imposing turnaround time monetary penalties that are not specified at the time of engagement;

(4) requiring an appraiser to submit a notice of absence when not an employee of the entity;

(5) requiring an appraiser to sign a non-compete clause when not an employee of the entity;

(6) requesting the payment of compensation to achieve higher priority in the assignment of appraisal business;

(7) requiring an appraiser to pay or otherwise compensate the appraisal company for fees to upload or otherwise deliver an appraisal report, fees for a report transmitted after a due date, or fees for reviewing the report;

(8) requiring an appraiser or appraisal company to sign any sort of indemnification agreement that would require the appraiser to defend and hold harmless the appraisal company, any software provider that an appraisal company requires an appraiser to use, or any other entity that the appraisal company does business with, from any liability, damage, loss, or claim that does not arise as a result of the appraiser's performance of the appraisal assignment; and

(9) requiring an appraiser who is not an employee of the appraisal company to collect the appraisal fee from the borrower, occupant, or any other person.

(g) It shall be unlawful for any licensed appraiser or appraisal company to alter, modify, or otherwise change a completed appraisal report submitted by an independent appraiser, including, without limitation, by doing any of the following:

(1) permanently removing the appraiser's signature or seal;

(2) adding information to, or removing information from, the appraisal report with an intent to change the value conclusion;

(3) expressly or impliedly promising future business, promotions, or increased compensation for an independent appraiser;

(4) conditioning the request for an appraisal service or the payment of an appraisal fee or salary or bonus on the opinion, conclusion, or valuation to be reached, or on a preliminary estimate or opinion requested from an independent appraiser;

(5) requesting that an independent appraiser provide an estimated, predetermined, or desired valuation in an appraisal report, or provide estimated values or comparable sales at any time prior to the independent appraiser's completion of an appraisal service;

(6) providing to an independent appraiser an anticipated, estimated, encouraged, or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for purchase transactions may be provided;

(7) providing to an independent appraiser, or any entity or person related to the appraiser, stock or other financial or non-financial benefits;

(8) allowing the removal of an independent appraiser from an appraiser panel, without prior written notice to such appraiser;

(9) obtaining, using, or paying for a second or subsequent appraisal or ordering an automated valuation model in connection with a mortgage financing transaction unless there is a reasonable basis to believe that the initial appraisal was flawed or tainted and such basis is clearly and appropriately noted in the loan file, or unless such appraisal or automated valuation model is done pursuant to a bona fide pre- or post-funding appraisal review or quality control process; or

(10) any other act or practice that impairs or attempts to impair an appraiser's independence, objectivity, or impartiality.

(Source: P.A. 96-844, eff. 12-23-09.)

(225 ILCS 458/15-15)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-15. Investigation; notice; hearing.

(a) Upon the motion of the Department or the Board or upon a complaint in writing of a person setting forth facts that, if proven, would constitute grounds for suspension, revocation, or other disciplinary action against a licensee or applicant for licensure, the Department or the Board shall investigate the actions of the licensee or applicant. If, upon investigation, the Department believes that there may be cause for suspension, revocation, or other disciplinary action, the Department shall use the services of a State certified general real estate appraiser, a State certified residential real estate appraiser, or the Real Estate Coordinator to assist in determining whether grounds for disciplinary action exist prior to commencing formal disciplinary proceedings.

(b) Formal disciplinary proceedings shall commence upon the issuance of a written complaint describing the charges that are the basis of the disciplinary action and delivery of the detailed complaint to the address of record of the licensee or applicant. The Department shall notify the licensee or applicant to file a verified written answer within 20 days after the service of the notice and complaint. The notification shall inform the licensee or applicant of his or her right to be heard in person or by legal counsel; that the hearing will be afforded not sooner than 30 days after service of the complaint; that failure to file an answer will result in a default being entered against the licensee or applicant; that the license may be suspended, revoked, or placed on probationary status; and that other disciplinary action may be taken pursuant to this Act, including limiting the scope, nature, or extent of the licensee's practice. If the licensee or applicant fails to file an answer after service of notice, his or her license may, at the discretion of the Department, be suspended, revoked, or placed on probationary status and the Department may take whatever disciplinary action it deems proper, including limiting the scope, nature, or extent of the person's practice, without a hearing.

(c) At the time and place fixed in the notice, the Board shall conduct hearing of the charges, providing both the accused person and the complainant ample opportunity to present in person or by counsel such statements, testimony, evidence, and argument as may be pertinent to the charges or to a defense thereto.

(d) The Board shall present to the Secretary a written report of its findings and recommendations. A copy of the report shall be served upon the licensee or applicant, either personally or by certified mail. Within 20 days after the service, the licensee or applicant may present the Secretary with a motion in writing for either a rehearing, a proposed finding of fact, a conclusion of law, or an alternative sanction, and shall specify the particular grounds for the request. If the accused orders a transcript of the record as provided in this Act, the time elapsing thereafter and before the transcript is ready for delivery to the accused shall not be counted as part of the 20 days. If the Secretary is not satisfied that substantial justice has been done, the Secretary may order a rehearing by the Board or other special committee appointed by the Secretary, may remand the matter to the Board for its reconsideration of the matter based on the pleadings and evidence presented to the Board, or may enter a final order in contravention of the Board's recommendation. In all instances under this Act in which the Board has rendered a recommendation to the Secretary with respect to a particular licensee or applicant, the Secretary, if he or she disagrees with the recommendation of the Board, shall file with the Board and provide to the licensee or applicant a copy of the Secretary's specific written reasons for disagreement with the Board. The reasons shall be filed within 60 days of the Board's recommendation to the Secretary and prior to any contrary action. Notwithstanding a licensee's or applicant's failure to file a motion for rehearing, the Secretary shall have the right to take any of the actions specified in this subsection (d). Upon the suspension or revocation of a license, the licensee shall be required to surrender his or her license to the Department, and upon failure or refusal to do so, the Department shall have the right to seize the license.

(e) The Department has the power to issue subpoenas and subpoenas duces tecum to bring before it any person in this State, to take testimony, or to require production of any records relevant to an inquiry or hearing by the Board in the same manner as prescribed by law in judicial proceedings in the courts of this State. In a case of refusal of a witness to attend, testify, or to produce books or papers concerning a matter upon which he or she might be lawfully examined, the circuit court of the county where the hearing is held, upon application of the Department or any party to the proceeding, may compel obedience by proceedings as for contempt.

(f) Any license that is suspended indefinitely or revoked may not be restored for a minimum period of 2

years, or as otherwise ordered by the Secretary.

(g) In addition to the provisions of this Section concerning the conduct of hearings and the recommendations for discipline, the Department has the authority to negotiate disciplinary and non-disciplinary settlement agreements concerning any license issued under this Act. All such agreements shall be recorded as Consent Orders or Consent to Administrative Supervision Orders.

(h) The Secretary shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action to suspend, revoke, or otherwise discipline any license issued by the Department. The Hearing Officer shall have full authority to conduct the hearing.

(i) The Department, at its expense, shall preserve a record of all formal hearings of any contested case involving the discipline of a license. At all hearings or pre-hearing conferences, the Department and the licensee shall be entitled to have the proceedings transcribed by a certified shorthand reporter. A copy of the transcribed proceedings shall be made available to the licensee by the certified shorthand reporter upon payment of the prevailing contract copy rate.

(Source: P.A. 96-844, eff. 12-23-09.)

(225 ILCS 458/25-10)

(Section scheduled to be repealed on January 1, 2012)

Sec. 25-10. Real Estate Appraisal Administration and Disciplinary Board; appointment.

(a) There is hereby created the Real Estate Appraisal Administration and Disciplinary Board. The Board shall be composed of 11 ~~10~~ persons appointed by the Governor, plus the Coordinator of the Real Estate Appraisal Division. Members shall be appointed to the Board subject to the following conditions:

(1) All appointed members shall have been residents and citizens of this State for at least 5 years prior to the date of appointment.

(2) The appointed membership of the Board should reasonably reflect the geographic distribution of the population of the State.

(3) Four appointed members shall have been actively engaged and currently licensed as State certified general real estate appraisers for a period of not less than 5 years.

(4) Two appointed members shall have been actively engaged and currently licensed as State certified residential real estate appraisers for a period of not less than 5 years.

(5) Two appointed members shall hold a valid license as a real estate broker for at least 10 years prior to the date of the appointment, one of whom shall hold a valid State certified general real estate appraiser license issued under this Act or a predecessor Act for a period of at least 5 years prior to the appointment and one of whom shall hold a valid State certified residential real estate appraiser license issued under this Act or a predecessor Act for a period of at least 5 years prior to the appointment.

(6) One appointed member shall be a representative of a financial institution, as evidenced by his or her employment with a financial institution.

(7) One appointed member shall represent the interests of the general public. This member or his or her spouse shall not be licensed under this Act nor be employed by or have any interest in an appraisal business, real estate brokerage business, or a financial institution.

(8) One appointed member shall be a representative of an appraisal management company, as evidenced by his or her being an officer or employee of an appraisal management company which employs or contracts with, in the aggregate, at least 10 licensed appraisers.

In making appointments as provided in paragraphs (3) and (4) of this subsection, the Governor shall give due consideration to recommendations by members and organizations representing the profession.

In making the appointments as provided in paragraph (5) of this subsection, the Governor shall give due consideration to the recommendations by members and organizations representing the real estate industry.

In making the appointment as provided in paragraph (6) of this subsection, the Governor shall give due consideration to the recommendations by members and organizations representing financial institutions.

(b) The term for members of the Board shall be 4 years, and each member shall serve until his or her successor is appointed and qualified. No member shall serve more than 10 years in a lifetime.

(c) The Governor may terminate the appointment of a member for cause that, in the opinion of the Governor, reasonably justifies the termination. Cause for termination may include, without limitation, misconduct, incapacity, neglect of duty, or missing 4 Board meetings during any one calendar year.

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

(e) The Board shall meet at least quarterly and may be convened by the Chairperson, Vice-Chairperson,

or 3 members of the Board upon 10 days written notice.

(f) The Board shall, annually at the first meeting of the fiscal year, elect a Chairperson and Vice-Chairperson from its members. The Chairperson shall preside over the meetings and shall coordinate with the Coordinator in developing and distributing an agenda for each meeting. In the absence of the Chairperson, the Vice-Chairperson shall preside over the meeting.

(g) The Coordinator of the Real Estate Appraisal Division shall serve as a member of the Board without vote.

(h) The Board shall advise and make recommendations to the Department on the education and experience qualifications of any applicant for initial licensure as a State certified general real estate appraiser or a State certified residential real estate appraiser. The Department shall not make any decisions concerning education or experience qualifications of an applicant for initial licensure as a State certified general real estate appraiser or a State certified residential real estate appraiser without having first received the advice and recommendation of the Board and shall give due consideration to all such advice and recommendations; however, if the Board does not render advice or make a recommendation within a reasonable amount of time, then the Department may render a decision.

(h-5) The Board shall issue educational findings, as it deems appropriate.

(i) Except as provided in Section 15-17 of this Act, the Board shall hear and make recommendations to the Secretary on disciplinary matters that require a formal evidentiary hearing. The Secretary shall give due consideration to the recommendations of the Board involving discipline and questions involving standards of professional conduct of licensees.

(j) The Department shall seek and the Board shall provide recommendations to the Department consistent with the provisions of this Act and for the administration and enforcement of all rules adopted pursuant to this Act. The Department shall give due consideration to such recommendations prior to adopting rules.

(k) The Department shall seek and the Board shall provide recommendations to the Department on the approval of all courses submitted to the Department pursuant to this Act and the rules adopted pursuant to this Act. The Department shall not approve any courses without having first received the recommendation of the Board and shall give due consideration to such recommendations prior to approving and licensing courses; however, if the Board does not make a recommendation within a reasonable amount of time, then the Department may approve courses.

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

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

(n) If the Department disagrees with any advice or recommendation provided by the Board under this Section to the Secretary or the Department, then notice of such disagreement must be provided to the Board by the Department.

(o) Upon resolution adopted at any Board meeting, the exercise of any Board function, power, or duty enumerated in this Section or in subsection (d) of Section 15-10 of this Act may be suspended. The exercise of any suspended function, power, or duty of the Board may be reinstated by a resolution adopted at a subsequent Board meeting. Any resolution adopted pursuant to this Section shall take effect immediately.

(Source: P.A. 96-844, eff. 12-23-09.)".

AMENDMENT NO. 3. Amend House Bill 5868, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 29, by replacing lines 20 through 23 with the following:

"(d) ~~Six~~ A majority of the Board members shall constitute a quorum. ~~A vacancy in the membership of the Board shall not impair the right of a quorum~~ is required to exercise all of the rights and perform all of the duties of the Board."

The foregoing motions prevailed and Amendments numbered 2 and 3 were 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 5109. Having been read by title a second time on March 19, 2010, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

### 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 Pihos, HOUSE BILL 5126 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: 104, Yeas; 5, Nays; 1, Answering Present.  
(ROLL CALL 60)

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 reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 5366.

HOUSE BILL 4598. Having been reproduced, was taken up and read by title a second time. Representative Reboletti offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 4598 by inserting after the title the following:

"WHEREAS, Treatment Alternatives for Safe Communities (TASC) is a more rigorous sentencing option employed by Illinois courts to ensure that offenders rehabilitate and prove to the Court that they remain drug free; therefore"; and

by replacing everything after the enacting clause with the following:

"Section 5. The Alcoholism and Other Drug Abuse and Dependency Act is amended by changing Section 40-5 as follows:

(20 ILCS 301/40-5)

Sec. 40-5. Election of treatment. An addict or alcoholic who is charged with or convicted of a crime may elect treatment under the supervision of a licensed program designated by the Department, referred to in this Article as "designated program", unless:

- (1) the crime is a crime of violence;
- (2) the crime is a violation of Section 401(a), 401(b), 401(c) where the person electing treatment has been previously convicted of a non-probationable felony or the violation is non-probationable, 401(d) where the violation is non-probationable, 401.1, 402(a), 405 or 407 of the Illinois Controlled Substances Act, or Section 4(d), 4(e), 4(f), 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the Cannabis Control Act or Section 15, 20, 55, ~~60(b)(3), 60(b)(4), 60(b)(5), 60(b)(6)~~ ~~60~~, or 65 of the Methamphetamine Control and Community Protection Act or is otherwise ineligible for probation under Section 70 of the Methamphetamine Control and Community Protection Act;
- (3) the person has a record of 2 or more convictions of a crime of violence;
- (4) other criminal proceedings alleging commission of a felony are pending against the person;
- (5) the person is on probation or parole and the appropriate parole or probation authority does not consent to that election;
- (6) the person elected and was admitted to a designated program on 2 prior occasions within any consecutive 2-year period;
- (7) the person has been convicted of residential burglary and has a record of one or more felony convictions;
- (8) the crime is a violation of Section 11-501 of the Illinois Vehicle Code or a

similar provision of a local ordinance; or

(9) the crime is a reckless homicide or a reckless homicide of an unborn child, as defined in Section 9-3 or 9-3.2 of the Criminal Code of 1961, in which the cause of death consists of the driving of a motor vehicle by a person under the influence of alcohol or any other drug or drugs at the time of the violation.

(Source: P.A. 94-556, eff. 9-11-05.)

Section 10. The Cannabis Control Act is amended by changing Section 10 as follows:

(720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

Sec. 10. (a) Whenever any person who has not previously been convicted of, or placed on probation or court supervision for, any offense under this Act or any law of the United States or of any State relating to a felony cannabis violation or a misdemeanor cannabis violation involving the manufacture or delivery or the possession with intent to manufacture or deliver cannabis, or controlled substances as defined in the Illinois Controlled Substances Act, pleads guilty to or is found guilty of violating Sections 4(a), 4(b), 4(c), 5(a), 5(b), 5(c) or 8 of this Act, the court may, without entering a judgment and with the consent of such person, sentence him to probation.

(b) When a person is placed on probation, the court shall enter an order specifying a period of probation of 24 months, and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation.

(c) The conditions of probation shall be that the person: (1) not violate any criminal statute of any jurisdiction; (2) refrain from possession of a firearm or other dangerous weapon; (3) submit to periodic drug testing at a time and in a manner as ordered by the court, but no less than 3 times during the period of the probation, with the cost of the testing to be paid by the probationer; and (4) perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved by the county board.

(d) The court may, in addition to other conditions, require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of probation;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical or psychiatric treatment; or treatment for drug addiction or alcoholism;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his dependents;

(7) refrain from possessing a firearm or other dangerous weapon;

(7-5) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(8) and in addition, if a minor:

(i) reside with his parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth;

(iv) contribute to his own support at home or in a foster home.

(e) Upon violation of a term or condition of probation, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided.

(f) Upon fulfillment of the terms and conditions of probation, the court shall discharge such person and dismiss the proceedings against him.

(g) A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation and for appeal, however, discharge and dismissal under this Section is not a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime (including the additional penalty imposed for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d) of this Act).

(h) Discharge and dismissal under this Section, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act may occur only once with respect to any person.

(i) If a person is convicted of an offense under this Act, the Illinois Controlled Substances Act, or the

Methamphetamine Control and Community Protection Act within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as a factor in aggravation.

(Source: P.A. 94-556, eff. 9-11-05.)

Section 15. The Illinois Controlled Substances Act is amended by changing Section 410 as follows:

(720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

Sec. 410. (a) Whenever any person who has not previously been convicted of, or placed on probation or court supervision for any offense under this Act or any law of the United States or of any State relating to ~~cannabis~~ or controlled substances or a felony cannabis violation or a misdemeanor cannabis violation involving the manufacture or delivery or the possession with intent to manufacture or deliver cannabis, pleads guilty to or is found guilty of possession of a controlled or counterfeit substance under subsection (c) of Section 402 or of unauthorized possession of prescription form under Section 406.2, the court, without entering a judgment and with the consent of such person, may sentence him to probation.

(b) When a person is placed on probation, the court shall enter an order specifying a period of probation of 24 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation.

(c) The conditions of probation shall be that the person: (1) not violate any criminal statute of any jurisdiction; (2) refrain from possessing a firearm or other dangerous weapon; (3) submit to periodic drug testing at a time and in a manner as ordered by the court, but no less than 3 times during the period of the probation, with the cost of the testing to be paid by the probationer; and (4) perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved by the county board.

(d) The court may, in addition to other conditions, require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of probation;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical or psychiatric treatment; or treatment or rehabilitation approved by the Illinois Department of Human Services;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his dependents;

(6-5) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(7) and in addition, if a minor:

(i) reside with his parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth;

(iv) contribute to his own support at home or in a foster home.

(e) Upon violation of a term or condition of probation, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided.

(f) Upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings against him.

(g) A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation and for appeal, however, discharge and dismissal under this Section is not a conviction for purposes of this Act or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(h) There may be only one discharge and dismissal under this Section, Section 10 of the Cannabis Control Act, or Section 70 of the Methamphetamine Control and Community Protection Act with respect to any person.

(i) If a person is convicted of an offense under this Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as evidence in aggravation.

(Source: P.A. 94-556, eff. 9-11-05; 95-487, eff. 1-1-08.)

Section 20. The Methamphetamine Control and Community Protection Act is amended by changing Section 70 as follows:

(720 ILCS 646/70)

Sec. 70. Probation.

(a) Whenever any person who has not previously been convicted of, or placed on probation or court supervision for any offense under this Act, the Illinois Controlled Substances Act, a felony violation of the Cannabis Control Act, or any law of the United States or of any state relating to ~~cannabis or controlled substances~~ or a felony cannabis violation or a misdemeanor cannabis violation involving the manufacture or delivery or the possession with intent to manufacture or deliver cannabis, pleads guilty to or is found guilty of possession of less than 15 grams of methamphetamine under paragraph (1) or (2) of subsection (b) of Section 60 of this Act, the court, without entering a judgment and with the consent of the person, may sentence him or her to probation.

(b) When a person is placed on probation, the court shall enter an order specifying a period of probation of 24 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation.

(c) The conditions of probation shall be that the person:

(1) not violate any criminal statute of any jurisdiction;

(2) refrain from possessing a firearm or other dangerous weapon;

(3) submit to periodic drug testing at a time and in a manner as ordered by the court, but no less than 3 times during the period of the probation, with the cost of the testing to be paid by the probationer; and

(4) perform no less than 30 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board.

(d) The court may, in addition to other conditions, require that the person take one or more of the following actions:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of probation;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical or psychiatric treatment; or treatment or rehabilitation approved by the Illinois Department of Human Services;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his or her dependents;

(7) refrain from having in his or her body the presence of any illicit drug prohibited by this Act, the Cannabis Control Act, or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug; or

(8) if a minor:

(i) reside with his or her parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth; or

(iv) contribute to his or her own support at home or in a foster home.

(e) Upon violation of a term or condition of probation, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided.

(f) Upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings against the person.

(g) A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation and for appeal, however, discharge and dismissal under this Section is not a conviction for purposes of this Act or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(h) There may be only one discharge and dismissal under this Section, Section 410 of the Illinois Controlled Substances Act, or Section 10 of the Cannabis Control Act with respect to any person.

(i) If a person is convicted of an offense under this Act, the Cannabis Control Act, or the Illinois Controlled Substances Act within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section are admissible in the sentencing proceeding for that conviction as evidence in aggravation.



(Source: P.A. 94-556, eff. 9-11-05.)".

The foregoing motion prevailed and 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 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 Harris, HOUSE BILL 5085 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: 110, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 61)

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 5430. Having been reproduced, was taken up and read by title a second time. Representative Feigenholtz offered the following amendments and moved their adoption:

AMENDMENT NO. 1. Amend House Bill 5430 by replacing everything after the enacting clause with the following:

"Section 5. The Emergency Medical Services (EMS) Systems Act is amended by changing Section 3.50 as follows:

(210 ILCS 50/3.50)

Sec. 3.50. Emergency Medical Technician (EMT) Licensure.

(a) "Emergency Medical Technician-Basic" or "EMT-B" means a person who has successfully completed a course of instruction in basic life support as prescribed by the Department, is currently licensed by the Department in accordance with standards prescribed by this Act and rules adopted by the Department pursuant to this Act, and practices within an EMS System.

(b) "Emergency Medical Technician-Intermediate" or "EMT-I" means a person who has successfully completed a course of instruction in intermediate life support as prescribed by the Department, is currently licensed by the Department in accordance with standards prescribed by this Act and rules adopted by the Department pursuant to this Act, and practices within an Intermediate or Advanced Life Support EMS System.

(c) "Emergency Medical Technician-Paramedic" or "EMT-P" means a person who has successfully completed a course of instruction in advanced life support care as prescribed by the Department, is licensed by the Department in accordance with standards prescribed by this Act and rules adopted by the Department pursuant to this Act, and practices within an Advanced Life Support EMS System.

(d) The Department shall have the authority and responsibility to:

(1) Prescribe education and training requirements, which includes training in the use of epinephrine, for all levels of EMT, based on the respective national curricula of the United States Department of Transportation and any modifications to such curricula specified by the Department through rules adopted pursuant to this Act.

(2) Prescribe licensure testing requirements for all levels of EMT, which shall include a requirement that all phases of instruction, training, and field experience be completed before taking the EMT licensure examination. Candidates may elect to take the National Registry of Emergency Medical Technicians examination in lieu of the Department's examination, but are responsible for making their own arrangements for taking the National Registry examination.

(2.5) Review applications for EMT licensure from honorably discharged members of the armed forces of the United States with military emergency medical training. Applications shall be filed with the Department within one year after military discharge and shall contain: (i) proof of successful completion of military emergency medical training; (ii) a detailed description of the emergency medical curriculum completed; and (iii) a detailed description of the applicant's clinical experience. The Department may request additional and clarifying information. The Department shall evaluate the application, including the applicant's training and experience, consistent with the standards set forth under subsections (a), (b), (c), and (d) of Section 3.10. If the application clearly demonstrates that the training and experience meets such standards, the Department shall offer the applicant the opportunity to successfully complete a Department-approved EMT examination for which the applicant is qualified. Upon passage of an examination, the Department shall issue a license, which shall be subject to all provisions of this Act that are otherwise applicable to the class of EMT license issued.

(3) License individuals as an EMT-B, EMT-I, or EMT-P who have met the Department's education, training and testing requirements.

(4) Prescribe annual continuing education and relicensure requirements for all levels of EMT.

(5) Relicense individuals as an EMT-B, EMT-I, or EMT-P every 4 years, based on their compliance with continuing education and relicensure requirements. An Illinois licensed Emergency Medical Technician whose license has been expired for less than 96 months may apply for reinstatement by the Department. Reinstatement shall require that the applicant (i) submit satisfactory proof of completion of continuing medical education and clinical requirements to be prescribed by the Department in an administrative rule; (ii) submit a positive recommendation from an Illinois EMS Medical Director attesting to the applicant's qualifications for retesting; and (iii) pass a Department approved test for the level of EMT license sought to be reinstated.

(6) Grant inactive status to any EMT who qualifies, based on standards and procedures established by the Department in rules adopted pursuant to this Act.

(7) Charge each candidate for EMT a fee to be submitted with an application for a licensure examination.

(8) Suspend, revoke, or refuse to renew the license of an EMT, after an opportunity for a hearing, when findings show one or more of the following:

(A) The EMT has not met continuing education or relicensure requirements as prescribed by the Department;

(B) The EMT has failed to maintain proficiency in the level of skills for which he or she is licensed;

(C) The EMT, during the provision of medical services, engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;

(D) The EMT has failed to maintain or has violated standards of performance and conduct as prescribed by the Department in rules adopted pursuant to this Act or his or her EMS System's Program Plan;

(E) The EMT is physically impaired to the extent that he or she cannot physically perform the skills and functions for which he or she is licensed, as verified by a physician, unless the person is on inactive status pursuant to Department regulations;

(F) The EMT is mentally impaired to the extent that he or she cannot exercise the appropriate judgment, skill and safety for performing the functions for which he or she is licensed, as verified by a physician, unless the person is on inactive status pursuant to Department regulations; or

(G) The EMT has violated this Act or any rule adopted by the Department pursuant to this Act.

The education requirements prescribed by the Department under this subsection must allow for the suspension of those requirements in the case of a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard who is on active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor at the time that the member would otherwise be required to fulfill a particular education requirement. Such a person must fulfill the education requirement within 6 months after his or her release from active duty.

(e) In the event that any rule of the Department or an EMS Medical Director that requires testing for drug use as a condition for EMT licensure conflicts with or duplicates a provision of a collective bargaining agreement that requires testing for drug use, that rule shall not apply to any person covered by the

collective bargaining agreement.  
(Source: P.A. 96-540, eff. 8-17-09.)

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

AMENDMENT NO. 2. Amend House Bill 5430, AS AMENDED, with reference to page and line numbers of House Amendment No. 1 as follows:  
on page 4, line 9, by replacing "96" with "36".

The foregoing motions prevailed and Amendments numbered 1 and 2 were 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 BILLS 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 Howard, HOUSE BILL 5401 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the negative by the following vote: 39, Yeas; 71, Nays; 0, Answering Present.  
(ROLL CALL 62)

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

On motion of Representative Dunkin, HOUSE BILL 6459 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: 110, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 63)

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.

### RECALL

At the request of the principal sponsor, Representative Connelly, HOUSE BILL 5147 was recalled from the order of Third Reading to the order of Second Reading.

### HOUSE BILLS ON SECOND READING

HOUSE BILL 5147. Having been recalled on March 25, 2010, the same was again taken up. Representative Connelly offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend House Bill 5147, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Section 3.330 and by adding Section 39.9 as follows:

(415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

Sec. 3.330. Pollution control facility.

(a) "Pollution control facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act.

The following are not pollution control facilities:

- (1) (blank);
- (2) waste storage sites regulated under 40 CFR, Part 761.42;
- (3) sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;
- (4) sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3;
- (5) abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;
- (6) sites or facilities used by any person to specifically conduct a landscape composting operation;
- (7) regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;
- (8) the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21;
- (9) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;
- (10) the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in Section 57.9(a)(3) are exempt under this subdivision (10);
- (11) the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;
- (11.5) processing sites or facilities that receive only on-specification used oil, as defined in 35 Ill. Admin. Code 739, originating from used oil collectors for processing that is managed under 35 Ill. Admin. Code 739 to produce products for sale to off-site petroleum facilities, if these processing sites or facilities are: (i) located within a home rule unit of local government with a population of at least 30,000 according to the 2000 federal census, that home rule unit of local government has been designated as an Urban Round II Empowerment Zone by the United States Department of Housing and Urban Development, and that home rule unit of local government has enacted an ordinance approving the location of the site or facility and provided funding for the site or facility; and (ii) in compliance with all applicable zoning requirements;
- (12) the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;
- (13) the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 500,000 as of January 1, 2000, and operated and located in accordance with Section 22.38 of this Act;
- (14) the portion of a site or facility, located within a unit of local government that has enacted local zoning requirements, used to accept, separate, and process uncontaminated broken concrete, with or without protruding metal bars, provided that the uncontaminated broken concrete and metal bars are not speculatively accumulated, are at the site or facility no longer than one year after their acceptance, and are returned to the economic mainstream in the form of raw materials or products;
- (15) the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of this Act for a municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station;
- (16) a site or facility that temporarily holds in transit for 10 days or less, non-petruscible solid waste in original containers, no larger in capacity than 500 gallons, provided that

such waste is further transferred to a recycling, disposal, treatment, or storage facility on a non-contiguous site and provided such site or facility complies with the applicable 10-day transfer requirements of the federal Resource Conservation and Recovery Act of 1976 and United States Department of Transportation hazardous material requirements. For purposes of this Section only, "non-petruscible solid waste" means waste other than municipal garbage that does not rot or become putrid, including, but not limited to, paints, solvent, filters, and absorbents;

(17) the portion of a site or facility located in a county with a population greater than 3,000,000 that has obtained local siting approval, under Section 39.2 of this Act, for a municipal waste incinerator on or before July 1, 2005 and that is used for wood combustion facilities for energy recovery that accept and burn only wood material, as included in a fuel specification approved by the Agency;

(18) a transfer station used exclusively for landscape waste, including a transfer station where landscape waste is ground to reduce its volume, where the landscape waste is held no longer than 24 hours from the time it was received; ~~and~~

(19) the portion of a site or facility that (i) is used for the composting of food scrap, livestock waste, crop residue, uncontaminated wood waste, or paper waste, including, but not limited to, corrugated paper or cardboard, and (ii) meets all of the following requirements:

(A) There must not be more than a total of 30,000 cubic yards of livestock waste in raw form or in the process of being composted at the site or facility at any one time.

(B) All food scrap, livestock waste, crop residue, uncontaminated wood waste, and paper waste must, by the end of each operating day, be processed and placed into an enclosed vessel in which air flow and temperature are controlled, or all of the following additional requirements must be met:

(i) The portion of the site or facility used for the composting operation must include a setback of at least 200 feet from the nearest potable water supply well.

(ii) The portion of the site or facility used for the composting operation must be located outside the boundary of the 10-year floodplain or floodproofed.

(iii) The portion of the site or facility used for the composting operation must be located at least one-eighth of a mile from the nearest residence, other than a residence located on the same property as the site or facility.

(iv) The portion of the site or facility used for the composting operation must be located at least one-eighth of a mile from the property line of all of the following areas:

(I) Facilities that primarily serve to house or treat people that are immunocompromised or immunosuppressed, such as cancer or AIDS patients; people with asthma, cystic fibrosis, or bioaerosol allergies; or children under the age of one year.

(II) Primary and secondary schools and adjacent areas that the schools use for recreation.

(III) Any facility for child care licensed under Section 3 of the Child Care Act of 1969; preschools; and adjacent areas that the facilities or preschools use for recreation.

(v) By the end of each operating day, all food scrap, livestock waste, crop residue, uncontaminated wood waste, and paper waste must be (i) processed into windrows or other piles and (ii) covered in a manner that prevents scavenging by birds and animals and that prevents other nuisances.

(C) Food scrap, livestock waste, crop residue, uncontaminated wood waste, paper waste, and compost must not be placed within 5 feet of the water table.

(D) The site or facility must meet all of the requirements of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(E) The site or facility must not (i) restrict the flow of a 100-year flood, (ii) result in washout of food scrap, livestock waste, crop residue, uncontaminated wood waste, or paper waste from a 100-year flood, or (iii) reduce the temporary water storage capacity of the 100-year floodplain, unless measures are undertaken to provide alternative storage capacity, such as by providing lagoons, holding tanks, or drainage around structures at the facility.

(F) The site or facility must not be located in any area where it may pose a threat of harm or destruction to the features for which:

(i) an irreplaceable historic or archaeological site has been listed under the National Historic Preservation Act (16 U.S.C. 470 et seq.) or the Illinois Historic Preservation Act;

(ii) a natural landmark has been designated by the National Park Service or the

- Illinois State Historic Preservation Office; or  
(iii) a natural area has been designated as a Dedicated Illinois Nature Preserve under the Illinois Natural Areas Preservation Act.

(G) The site or facility must not be located in an area where it may jeopardize the continued existence of any designated endangered species, result in the destruction or adverse modification of the critical habitat for such species, or cause or contribute to the taking of any endangered or threatened species of plant, fish, or wildlife listed under the Endangered Species Act (16 U.S.C. 1531 et seq.) or the Illinois Endangered Species Protection Act; and -

(20) the portion of a site or facility that is located entirely within a home rule unit having a population of no less than 120,000 and no more than 135,000, according to the 2000 federal census, and that meets all of the following requirements:

(i) the portion of the site or facility is used exclusively to perform testing of a thermochemical conversion technology using only woody biomass, collected as landscape waste within the boundaries of the home rule unit, as the hydrocarbon feedstock for the production of synthetic gas in accordance with Section 39.9 of this Act;

(ii) the portion of the site or facility is in compliance with all applicable zoning requirements; and

(iii) a complete application for a demonstration permit at the portion of the site or facility has been submitted to the Agency in accordance with Section 39.9 of this Act within one year after the effective date of this amendatory Act of the 96th General Assembly.

(b) A new pollution control facility is:

(1) a pollution control facility initially permitted for development or construction after July 1, 1981; or

(2) the area of expansion beyond the boundary of a currently permitted pollution control facility; or

(3) a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

(Source: P.A. 95-131, eff. 8-13-07; 95-177, eff. 1-1-08; 95-331, eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff. 8-21-08; 96-418, eff. 1-1-10; 96-611, eff. 8-24-09; revised 10-1-09.)

(415 ILCS 5/39.9 new)

Sec. 39.9. Thermochemical conversion technology demonstration permit.

(a) The purpose of this Section is to provide for the permitting and testing of thermochemical conversion technology ("TCT") on a pilot-scale basis.

(b) For purposes of this Section:

"Thermochemical conversion" means the application of heat to woody biomass, collected as landscape waste within the boundaries of the host unit of local government, in order to convert that material to a synthetic gas ("syngas") that can be processed for use as a fuel for the production of electricity and process heat, for the production of ethanol or hydrogen to be used as transportation fuel, or for both of those purposes. To qualify as thermochemical conversion, the thermochemical conversion technology must not continuously operate at temperatures exceeding an hourly average of 2,000°F, must operate at or near atmospheric pressure with no intentional or forced addition of air or oxygen, must use electricity for the source of heat, and must be designed to produce more energy than it consumes.

"Thermochemical conversion technology demonstration permit" or "TCTDP" means a demonstration permit issued by the Agency's Bureau of Air Permit Section under this Section. The TCT will be considered a process emission unit.

"Thermochemical conversion technology processing facility" means a facility constructed and operated for the purpose of conducting thermochemical conversion under this Section.

"Woody biomass" means the fibrous cellular substance consisting largely of cellulose, hemicellulose, and lignin from trees and shrubs collected as landscape waste. "Woody biomass" also includes bark and leaves from trees and shrubs, but does not include other wastes or foreign materials.

(c) The Agency may, under the authority of subsection (b) of Section 9 and subsection (a) of Section 39 of the Act, issue a TCTDP to an applicant for field testing of a thermochemical conversion technology processing facility to demonstrate that the thermochemical conversion technology can reliably produce syngas that can be processed for use as a fuel for the production of electricity and process heat, for the production of ethanol or hydrogen to be used as transportation fuel, or for both purposes. The TCTDP shall be subject to the following conditions:

(1) The application for a TCTDP must demonstrate that the thermochemical conversion technology processing facility is not a major source of air pollutants but is eligible for an air permit issued pursuant to

35 Ill. Adm. Code 201.169. The application must demonstrate that the potential to emit carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), and particulate matter (PM, PM<sub>10</sub>) individually for each pollutant does not exceed 79.9 tons per year; that the potential to emit volatile organic material (VOM) does not exceed 24.9 tons per year; that the potential to emit individual hazardous air pollutants (HAPs) does not exceed 7.9 tons per year; and that the potential to emit combined total HAPs does not exceed 19.9 tons per year.

(2) The applicant for a TCTDP must perform emissions testing during the permit period, as required by the Agency, and submit the results of that testing to the Agency, as specified in the TCTDP, within 60 days after the completion of testing.

(3) During the permit period the applicant for a TCTDP may not convert more than 4 tons per day of woody biomass in the thermochemical conversion technology processing facility.

(4) The applicant for a TCTDP must demonstrate that the proposed project meets the criteria defining thermochemical conversion in subsection (b) of this Section.

(5) The applicant for a TCTDP must submit application fees in accordance with subsection (c) of Section 9.12 of this Act, excluding the fees under subparagraph (B) of paragraph (2) of subsection (c) of that Section.

(6) A complete application for a TCTDP must be filed in accordance with this Section and submitted to the Agency within one year after the effective date of this amendatory Act of the 96th General Assembly.

(7) In addition to the TCTDP, the applicant for a TCTDP must obtain applicable water pollution control permits before constructing or operating the thermochemical conversion technology processing facility and applicable waste management permits before the facility receives woody biomass collected as landscape waste. In addition to authorizing receipt and treatment by thermochemical conversion of woody biomass, waste management permits may authorize, and establish limits for, storage and pre-processing of woody biomass for the exclusive use of the thermochemical conversion technology processing facility. Woody biomass received at the facility and all mineral ash and other residuals from the thermochemical conversion process must be managed in accordance with applicable provisions of this Act and rules and permit conditions adopted under the authority of this Act. The facility must be closed in accordance with applicable permit conditions.

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 5735. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary I - Civil Law, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5735 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 15-1101 as follows:

(735 ILCS 5/15-1101) (from Ch. 110, par. 15-1101)

Sec. 15-1101. Title. This Article shall be known, and may be cited, as the ~~the~~ Illinois Mortgage Foreclosure Law.

(Source: P.A. 84-1462.)"

Representative Riley offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 5735, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 15-1508 as follows:

(735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

Sec. 15-1508. Report of Sale and Confirmation of Sale.

(a) Report. The person conducting the sale shall promptly make a report to the court, which report shall

include a copy of all receipts and, if any, certificate of sale.

(b) Hearing. Upon motion and notice in accordance with court rules applicable to motions generally, which motion shall not be made prior to sale, the court shall conduct a hearing to confirm the sale. Unless the court finds that (i) a notice required in accordance with subsection (c) of Section 15-1507 was not given, (ii) the terms of sale were unconscionable, (iii) the sale was conducted fraudulently or (iv) that justice was otherwise not done, the court shall then enter an order confirming the sale. The confirmation order shall include a name, address, and telephone number of the holder of the certificate of sale or deed issued pursuant to that certificate or, if no certificate or deed was issued, the purchaser, whom a municipality or county may contact with concerns about the real estate. The confirmation order may also:

- (1) approve the mortgagee's fees and costs arising between the entry of the judgment of foreclosure and the confirmation hearing, those costs and fees to be allowable to the same extent as provided in the note and mortgage and in Section 15-1504;
- (2) provide for a personal judgment against any party for a deficiency; and
- (3) determine the priority of the judgments of parties who deferred proving the priority pursuant to subsection (h) of Section 15-1506, but the court shall not defer confirming the sale pending the determination of such priority.

(b-5) Notice with respect to residential real estate. With respect to residential real estate, the notice required under subsection (b) of this Section shall be sent to the mortgagor even if the mortgagor has previously been held in default. In the event the mortgagor has filed an appearance, the notice shall be sent to the address indicated on the appearance. In all other cases, the notice shall be sent to the mortgagor at the common address of the foreclosed property. The notice shall be sent by first class mail. Unless the right to possession has been previously terminated by the court, the notice shall include the following language in 12-point boldface capitalized type:

IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO REMAIN IN  
POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF POSSESSION, IN ACCORDANCE  
WITH SECTION 15-1701(c) OF THE ILLINOIS MORTGAGE FORECLOSURE LAW.

(b-10) Notice of confirmation order sent to municipality or county. A copy of the confirmation order required under subsection (b) shall be sent to the municipality in which the foreclosed property is located, or to the county within the boundary of which the foreclosed property is located if the foreclosed property is located in an unincorporated territory. A municipality or county must clearly publish on its website a single address to which such notice shall be sent. If a municipality or county does not maintain a website, then the municipality or county must publicly post in its main office a single address to which such notice shall be sent. In the event that a municipality or county has not complied with the publication requirement in this subsection (b-10), then such notice to the municipality or county shall be provided pursuant to Section 2-211 of the Code of Civil Procedure.

(c) Failure to Give Notice. If any sale is held without compliance with subsection (c) of Section 15-1507 of this Article, any party entitled to the notice provided for in paragraph (3) of that subsection (c) who was not so notified may, by motion supported by affidavit made prior to confirmation of such sale, ask the court which entered the judgment to set aside the sale. Any such party shall guarantee or secure by bond a bid equal to the successful bid at the prior sale, unless the party seeking to set aside the sale is the mortgagor, the real estate sold at the sale is residential real estate, and the mortgagor occupies the residential real estate at the time the motion is filed. In that event, no guarantee or bond shall be required of the mortgagor. Any subsequent sale is subject to the same notice requirement as the original sale.

(d) Validity of Sale. Except as provided in subsection (c) of Section 15-1508, no sale under this Article shall be held invalid or be set aside because of any defect in the notice thereof or in the publication of the same, or in the proceedings of the officer conducting the sale, except upon good cause shown in a hearing pursuant to subsection (b) of Section 15-1508. At any time after a sale has occurred, any party entitled to notice under paragraph (3) of subsection (c) of Section 15-1507 may recover from the mortgagee any damages caused by the mortgagee's failure to comply with such paragraph (3). Any party who recovers damages in a judicial proceeding brought under this subsection may also recover from the mortgagee the reasonable expenses of litigation, including reasonable attorney's fees.

(d-5) Making Home Affordable Program. The court that entered the judgment shall set aside a sale held pursuant to Section 15-1507, upon motion of the mortgagor at any time prior to the confirmation of the sale, if the mortgagor proves by a preponderance of the evidence that (i) the mortgagor has applied for assistance under the Making Home Affordable Program established by the United States Department of the Treasury pursuant to the Emergency Economic Stabilization Act of 2008, as amended by the American Recovery and Reinvestment Act of 2009, and (ii) the mortgaged real estate was sold in material violation of



the program's requirements for proceeding to a judicial sale. The provisions of this subsection (d-5), except for this sentence, shall become inoperative on January 1, 2013 for all actions filed under this Article after December 31, 2012, in which the mortgagor did not apply for assistance under the Making Home Affordable Program on or before December 31, 2012.

(e) Deficiency Judgment. In any order confirming a sale pursuant to the judgment of foreclosure, the court shall also enter a personal judgment for deficiency against any party (i) if otherwise authorized and (ii) to the extent requested in the complaint and proven upon presentation of the report of sale in accordance with Section 15-1508. Except as otherwise provided in this Article, a judgment may be entered for any balance of money that may be found due to the plaintiff, over and above the proceeds of the sale or sales, and enforcement may be had for the collection of such balance, the same as when the judgment is solely for the payment of money. Such judgment may be entered, or enforcement had, only in cases where personal service has been had upon the persons personally liable for the mortgage indebtedness, unless they have entered their appearance in the foreclosure action.

(f) Satisfaction. Upon confirmation of the sale, the judgment stands satisfied to the extent of the sale price less expenses and costs. If the order confirming the sale includes a deficiency judgment, the judgment shall become a lien in the manner of any other judgment for the payment of money.

(g) The order confirming the sale shall include, notwithstanding any previous orders awarding possession during the pendency of the foreclosure, an award to the purchaser of possession of the mortgaged real estate, as of the date 30 days after the entry of the order, against the parties to the foreclosure whose interests have been terminated.

An order of possession authorizing the removal of a person from possession of the mortgaged real estate shall be entered and enforced only against those persons personally named as individuals in the complaint or the petition under subsection (h) of Section 15-1701 and in the order of possession and shall not be entered and enforced against any person who is only generically described as an unknown owner or nonrecord claimant or by another generic designation in the complaint.

Notwithstanding the preceding paragraph, the failure to personally name, include, or seek an award of possession of the mortgaged real estate against a person in the confirmation order shall not abrogate any right that the purchaser may have to possession of the mortgaged real estate and to maintain a proceeding against that person for possession under Article 9 of this Code or subsection (h) of Section 15-1701; and possession against a person who (1) has not been personally named as a party to the foreclosure and (2) has not been provided an opportunity to be heard in the foreclosure proceeding may be sought only by maintaining a proceeding under Article 9 of this Code or subsection (h) of Section 15-1701.

(Source: P.A. 95-826, eff. 8-14-08; 96-265, eff. 8-11-09; 96-856, eff. 3-1-10.)

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.

#### **AGREED RESOLUTIONS**

HOUSE RESOLUTIONS 1059, 1060, 1062 and 1064 were taken up for consideration.

Representative Lang moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

#### **ADJOURNMENT RESOLUTION 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 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. 119

**RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN**, that when the two Houses adjourn on Thursday, March 25, 2010, the Senate stands adjourned until Wednesday, April 07, 2010, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, April 13, 2010, or until the call of the President; and the House of Representatives stands adjourned until Friday, March 26, 2010, and when it adjourns on that day, it stands adjourned until Monday, March 29, 2010, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, April 13, 2010, or until the call of the Speaker.

Adopted by the Senate, March 25, 2010.

Jillayne Rock, Secretary of the Senate

Representative Lang moved the adoption of the resolution.  
The motion prevailed and SENATE JOINT RESOLUTION 119 was adopted.  
Ordered that the Clerk inform the Senate.

At the hour of 7:03 o'clock p.m., Representative Lang moved that the House do now adjourn until Friday, March 26, 2010, at 9:00 o'clock a.m., allowing perfunctory time for the Clerk.  
The motion prevailed.  
And the House stood adjourned.

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 QUORUM ROLL CALL FOR ATTENDANCE

March 25, 2010

0 YEAS

0 NAYS

115 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	E 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	E 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4781  
 DEBT SETTLEMENT CONS PRO ACT  
 THIRD READING  
 PASSED

March 25, 2010

106 YEAS

9 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
N Beaubien	Y Dugan	Y Lang	Y Rita
Y Beiser	Y Dunkin	Y Leitch	Y Rose
Y Bellock	N Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	Y Mathias	Y Saviano
N 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	E Stephens
Y Burke	Y Fritchey	Y Mendoza	N 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
N Coladipietro	Y Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E Hannig	Y Nekritz	Y Walker
Y Colvin	Y Harris	Y Osmond	Y Washington
N Connelly	Y Hatcher	Y Osterman	Y Watson
Y Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	Y Hoffman	N Pihos	Y Yarbrough
Y Cross	Y Holbrook	Y Poe	Y Zalewski
Y 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5381  
 CIR CLERK-ELECTRONIC NOTICE  
 THIRD READING  
 PASSED

March 25, 2010

113 YEAS

2 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	E 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	E Hannig	Y Nekritz	Y Walker
Y Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
N 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 3631  
COMMUNITY YOUTH EMPLOYMENT ACT  
THIRD READING  
PASSED

March 25, 2010

110 YEAS

5 NAYS

0 PRESENT

Y Acevedo	Y 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	Y Leitch	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	N 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	E 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
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
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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	N Ramey	
Y D'Amico	Y Jakobsson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 6034  
 DPH POWERS-PLAYGROUND SAFE  
 THIRD READING  
 PASSED

March 25, 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	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	E 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	E 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5295  
 MUNICIPAL PROSECUTION FEE  
 THIRD READING  
 PASSED

March 25, 2010

111 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	E 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	A 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	E Hannig	Y Nekritz	Y Walker
Y Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
N 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	N Reboletti	

E - Denotes Excused Absence



STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 6748  
 DCEO-APPLIANCE PROGRAM  
 THIRD READING  
 PASSED

March 25, 2010

112 YEAS

2 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	E 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	A 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	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5905  
DCFS-GRANTS-RESID SRVCS PROVID  
THIRD READING  
PASSED

March 25, 2010

114 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	E 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	A 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	E 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 6748  
 DCEO-APPLIANCE PROGRAM  
 MOTION TO RECONSIDER VOTE  
 LOST

March 25, 2010

44 YEAS

70 NAYS

0 PRESENT

N Acevedo	N Davis, Monique	N Jefferson	Y Reis
N Arroyo	N Davis, William	N Joyce	N Reitz
Y Bassi	N DeLuca	Y Kosel	N Riley
Y Beaubien	N Dugan	N Lang	N Rita
N Beiser	N Dunkin	N Leitch	Y Rose
Y Bellock	Y Durkin	N Lyons	Y Sacia
N Berrios	Y Eddy	Y Mathias	Y Saviano
N Biggins	N Farnham	N Mautino	Y Schmitz
Y Black	N Feigenholtz	N May	Y Senger
N Boland	N Flider	N McAsey	N Sente
Y Bost	N Flowers	Y McAuliffe	N Smith
N Bradley	N Ford	N McCarthy	Y Sommer
Y Brady	Y Fortner	N McGuire	N Soto
Y Brauer	N Franks	N Mell	E Stephens
N Burke	N Fritchey	N Mendoza	Y Sullivan
N Burns	N Froehlich	N Miller	N Thapedi
N Carberry	N Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	A Gordon, Careen	Y Mitchell, Jerry	Y Tryon
N Chapa LaVia	N Gordon, Jehan	Y Moffitt	N Turner
Y Coladipietro	N Graham	Y Mulligan	N Verschoore
Y Cole	N Hamos	Y Myers	Y Wait
N Collins	E Hannig	N Nekritz	N Walker
N Colvin	N Harris	Y Osmond	N Washington
Y Connelly	Y Hatcher	N Osterman	Y Watson
Y Coulson	N Hernandez	N Phelps	Y Winters
N Crespo	N Hoffman	Y Pihos	N Yarbrough
Y Cross	N Holbrook	Y Poe	N Zalewski
N Cultra	N Howard	Y Pritchard	N Mr. Speaker
A Currie	N Jackson	Y Ramey	
N D'Amico	N Jakobsson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 6463  
CRIMINAL LAW-TECH  
THIRD READING  
PASSED

March 25, 2010

114 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	E 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	A 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	E 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5688  
 DHS-DCFS-TRANSITION SRVCS-KIDS  
 THIRD READING  
 PASSED

March 25, 2010

114 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	E 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	A 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	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5916  
JUV CT-MINOR-DETENTION AGE  
THIRD READING  
LOST

March 25, 2010

38 YEAS

76 NAYS

0 PRESENT

N Acevedo	Y Davis, Monique	Y Jefferson	N Reis
N Arroyo	N Davis, William	N Joyce	N Reitz
N Bassi	Y DeLuca	N Kosel	Y Riley
N Beaubien	N Dugan	Y Lang	Y Rita
N Beiser	Y Dunkin	N Leitch	N Rose
N Bellock	N Durkin	N Lyons	N Sacia
N Berrios	N Eddy	Y Mathias	N Saviano
N Biggins	N Farnham	Y Mautino	N Schmitz
N Black	Y Feigenholtz	Y May	N Senger
Y Boland	N Flider	N McAsey	N Sente
N Bost	Y Flowers	N McAuliffe	N Smith
Y Bradley	Y Ford	N McCarthy	N Sommer
N Brady	N Fortner	Y McGuire	Y Soto
N Brauer	N Franks	Y Mell	E Stephens
N Burke	Y Fritchey	N Mendoza	N Sullivan
N Burns	Y Froehlich	N Miller	Y Thapedi
N Carberry	Y Golar	N Mitchell, Bill	N Tracy
N Cavaletto	A Gordon, Careen	N Mitchell, Jerry	N Tryon
Y Chapa LaVia	N Gordon, Jehan	N Moffitt	Y Turner
N Coladipietro	Y Graham	N Mulligan	N Verschoore
N Cole	Y Hamos	N Myers	N Wait
Y Collins	E Hannig	Y Nekritz	N Walker
Y Colvin	Y Harris	N Osmond	Y Washington
N Connelly	N Hatcher	N Osterman	N Watson
N Coulson	Y Hernandez	N Phelps	N Winters
N Crespo	N Hoffman	N Pihos	Y Yarbrough
N Cross	N Holbrook	N Poe	N Zalewski
Y Cultra	Y Howard	N Pritchard	Y Mr. Speaker
A Currie	Y Jackson	N Ramey	
N D'Amico	Y Jakobsson	N Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5191  
ADMIN PRO-SMALL BUSINESS  
THIRD READING  
PASSED

March 25, 2010

114 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	E 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	A 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	E 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 6622  
 DISCHARGE COMMITTEE  
 SHALL THE RULING OF THE CHAIR BE SUSTAINED  
 PREVAILED

March 25, 2010

67 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	N 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	E 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	A 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	E 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



STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5483  
OPEN MEETINGS-MINUTES  
THIRD READING  
PASSED

March 25, 2010

114 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	E 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	A 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	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5853  
JUV CT-CONFINEMENT  
THIRD READING  
LOST

March 25, 2010

42 YEAS

71 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Jefferson	N Reis
Y Arroyo	Y Davis, William	N Joyce	Y Reitz
N Bassi	Y DeLuca	N Kosel	Y Riley
N Beaubien	Y Dugan	Y Lang	Y Rita
N Beiser	Y Dunkin	N Leitch	N Rose
Y Bellock	N Durkin	N Lyons	N Sacia
N Berrios	N Eddy	N Mathias	N Saviano
N Biggins	N Farnham	N Mautino	N Schmitz
N Black	Y Feigenholtz	Y May	N Senger
Y Boland	N Flider	N McAsey	N Sente
N Bost	Y Flowers	N McAuliffe	N Smith
Y Bradley	Y Ford	N McCarthy	N Sommer
N Brady	N Fortner	Y McGuire	Y Soto
N Brauer	N Franks	Y Mell	E Stephens
N Burke	N Fritchey	N Mendoza	N Sullivan
N Burns	Y Froehlich	N Miller	Y Thapedi
N Carberry	Y Golar	N Mitchell, Bill	N Tracy
N Cavaletto	A Gordon, Careen	N Mitchell, Jerry	N Tryon
Y Chapa LaVia	N Gordon, Jehan	N Moffitt	Y Turner
N Coladipietro	Y Graham	Y Mulligan	N Verschoore
N Cole	Y Hamos	N Myers	N Wait
Y Collins	E Hannig	Y Nekritz	N Walker
Y Colvin	Y Harris	N Osmond	Y Washington
N Connelly	N Hatcher	N Osterman	N Watson
Y Coulson	Y Hernandez	N Phelps	N Winters
N Crespo	N Hoffman	N Pihos	Y Yarbrough
N Cross	N Holbrook	N Poe	N Zalewski
Y Cultra	Y Howard	N Pritchard	Y Mr. Speaker
A Currie	NV Jackson	N Ramey	
N D'Amico	Y Jakobsson	N Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5633  
 EDUCATION-TECH  
 THIRD READING  
 PASSED

March 25, 2010

114 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	E 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	A 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	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 6450  
TRANSPORTATION-TECH  
THIRD READING  
PASSED

March 25, 2010

103 YEAS

11 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Jefferson	N Reis
Y Arroyo	Y Davis, William	Y Joyce	Y Reitz
Y Bassi	Y DeLuca	N 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
N Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	Y McCarthy	N Sommer
N Brady	N Fortner	Y McGuire	Y Soto
Y Brauer	N Franks	Y Mell	E Stephens
Y Burke	N Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	Y Miller	Y Thapedi
Y Carberry	Y Golar	N Mitchell, Bill	Y Tracy
N Cavaletto	A 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	E 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	N Ramey	
Y D'Amico	Y Jakobsson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5152  
 BRIAN'S LAW  
 THIRD READING  
 PASSED

March 25, 2010

113 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	P 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	E 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	A 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	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5517  
PHARMACY-GENERIC PRESCRIPTIONS  
THIRD READING  
PASSED

March 25, 2010

114 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	E 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	A 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	E 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 6202  
 UTILITIES-NET METERING  
 THIRD READING  
 PASSED

March 25, 2010

112 YEAS

2 NAYS

0 PRESENT

Y Acevedo	Y 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	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	E 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	A 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	E 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4871  
 STATE GOVERNMENT-TECH  
 THIRD READING  
 PASSED

March 25, 2010

114 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	E 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	A 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	E 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



STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5947  
 CRIME VICTIMS-MURDERER  
 THIRD READING  
 PASSED

March 25, 2010

113 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	E 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	A Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5044  
DFPR-SPANISH WEBSITE-PRED LEND  
THIRD READING  
PASSED

March 25, 2010

110 YEAS

1 NAY

1 PRESENT

Y Acevedo	Y Davis, Monique	Y Jefferson	Y Reis
Y Arroyo	N 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	NV 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	E Stephens
Y Burke	P Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	Y Miller	Y Thapedi
Y Carberry	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5900  
 CRIM PRO-JOINDER-FINANCIAL  
 THIRD READING  
 PASSED

March 25, 2010

113 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5762  
CRIM CD&CD CORR-BABY SHAKING  
THIRD READING  
PASSED

March 25, 2010

104 YEAS

5 NAYS

4 PRESENT

Y Acevedo	P Davis, Monique	Y Jefferson	Y Reis
Y Arroyo	Y Davis, William	Y Joyce	Y Reitz
Y Bassi	Y DeLuca	Y Kosel	N 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	P 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	E Stephens
Y Burke	Y Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	N Miller	P Thapedi
Y Carberry	P Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	N Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
N Collins	E Hannig	Y Nekritz	Y Walker
N 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4837  
 MUNI CD-AUDITS  
 THIRD READING  
 PASSED

March 25, 2010

90 YEAS

23 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Jefferson	Y 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	N Dunkin	Y 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	N 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	N McCarthy	Y Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
Y Brauer	N Franks	Y Mell	E Stephens
Y Burke	Y Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	Y Miller	N Thapedi
Y Carberry	Y Golar	Y Mitchell, Bill	Y Tracy
N Cavaletto	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
N Chapa LaVia	N Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
N Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E Hannig	Y Nekritz	N Walker
Y Colvin	Y Harris	Y Osmond	Y Washington
N Connelly	N 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	Y Ramey	
Y D'Amico	Y Jakobsson	N Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5802  
ILLINOIS ENTERPRISE COMMISSION  
THIRD READING  
PASSED

March 25, 2010

113 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5756  
 UTILITIES-FIBER OPTIC CONDUIT  
 THIRD READING  
 PASSED

March 25, 2010

109 YEAS

2 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
N Brauer	Y Franks	Y Mell	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E Hannig	Y Nekritz	Y Walker
Y Colvin	NV Harris	Y Osmond	Y Washington
Y Connelly	N Hatcher	Y Osterman	Y Watson
Y Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	NV 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4658  
 EMPLOYEE CREDIT PRIVACY  
 THIRD READING  
 PASSED

March 25, 2010

89 YEAS

24 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	Y Rose
Y Bellock	N Durkin	Y Lyons	N Sacia
Y Berrios	N Eddy	Y Mathias	Y Saviano
Y Biggins	Y Farnham	Y Mautino	N Schmitz
Y Black	Y Feigenholtz	Y May	Y 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	Y Fortner	Y McGuire	Y Soto
N Brauer	Y Franks	Y Mell	E 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	E Gordon, Careen	N Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	N Myers	Y Wait
Y Collins	E Hannig	Y Nekritz	Y Walker
Y Colvin	Y Harris	N Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	N Watson
Y Coulson	Y Hernandez	Y Phelps	N Winters
Y Crespo	Y Hoffman	Y Pihos	Y Yarbrough
N 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



STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5242  
 MEDICAID-FORENSIC AUDIT  
 THIRD READING  
 PASSED

March 25, 2010

113 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 6140  
VEH CD-WARRANTS-DL SUSPENSION  
THIRD READING  
PASSED

March 25, 2010

108 YEAS

4 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	Y Sente
Y Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	N Ford	Y McCarthy	Y Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
N Brauer	N Franks	Y Mell	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
N Collins	E Hannig	Y Nekritz	Y Walker
Y Colvin	P 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5565  
GOVERNMENT-TECH  
THIRD READING  
PASSED

March 25, 2010

113 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4779  
VEH CD-EMERGENCY RESPONDERS  
THIRD READING  
PASSED

March 25, 2010

112 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	NV Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5640  
 CRIMINAL LAW-TECH  
 THIRD READING  
 PASSED

March 25, 2010

112 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	NV 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 6749  
SDCEO-APPLIANCE PROGRAM  
THIRD READING  
PASSED

March 25, 2010

83 YEAS

30 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	N Kosel	Y Riley
N Beaubien	Y Dugan	Y Lang	Y Rita
Y Beiser	Y Dunkin	Y Leitch	N Rose
N Bellock	N Durkin	Y Lyons	N Sacia
Y Berrios	N Eddy	Y Mathias	Y Saviano
Y Biggins	Y Farnham	Y Mautino	N Schmitz
N Black	Y Feigenholtz	Y May	N Senger
Y Boland	Y Flider	Y McAsey	Y Sente
Y Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	Y McCarthy	N Sommer
N Brady	Y Fortner	Y McGuire	Y Soto
Y Brauer	N Franks	N Mell	E Stephens
Y Burke	Y Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	N Miller	N Thapedi
Y Carberry	Y Golar	Y Mitchell, Bill	N Tracy
N Cavaletto	E Gordon, Careen	Y Mitchell, Jerry	N Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	N Mulligan	Y Verschoore
N Cole	N Hamos	Y Myers	Y Wait
Y Collins	E Hannig	N Nekritz	Y Walker
Y Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	N Hatcher	Y Osterman	N Watson
N Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	Y Hoffman	N Pihos	Y Yarbrough
N 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5859  
 DHFS-MEDICAID-DENTAL SERVICES  
 THIRD READING  
 PASSED

March 25, 2010

111 YEAS

0 NAYS

2 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	P 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	E Stephens
Y Burke	Y Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	P Miller	Y Thapedi
Y Carberry	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5914  
CD CORR-JUV PAROLE  
THIRD READING  
PASSED

March 25, 2010

81 YEAS

32 NAYS

0 PRESENT

Y Acevedo	Y 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	N Rose
Y Bellock	N Durkin	Y Lyons	N Sacia
Y Berrios	N Eddy	Y Mathias	Y Saviano
Y Biggins	N Farnham	N Mautino	Y Schmitz
N Black	Y Feigenholtz	Y May	Y Senger
Y Boland	N Flider	N McAsey	N 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	N Franks	Y Mell	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	N Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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	N Phelps	Y Winters
N Crespo	Y Hoffman	N Pihos	Y Yarbrough
Y Cross	Y Holbrook	N Poe	Y Zalewski
Y Cultra	Y Howard	N Pritchard	Y Mr. Speaker
A Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	N Reboletti	

E - Denotes Excused Absence



STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5836  
 SCH CD-ASTHMA INHALER USE  
 THIRD READING  
 PASSED

March 25, 2010

113 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 6412  
REGULATION-TECH  
THIRD READING  
PASSED

March 25, 2010

112 YEAS

0 NAYS

0 PRESENT

NV 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 6349  
 FINANCE-TECH  
 THIRD READING  
 PASSED

March 25, 2010

107 YEAS

5 NAYS

0 PRESENT

A Acevedo	Y 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	Y Lyons	Y 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
N 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E Hannig	Y Nekritz	Y Walker
Y Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
N 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4990  
UTILITIES-EXEMPT NEXT GEN 911  
THIRD READING  
PASSED

March 25, 2010

112 YEAS

0 NAYS

0 PRESENT

A 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5230  
 DEVELOPMENT ASSISTANCE-NOTIFY  
 THIRD READING  
 PASSED

March 25, 2010

112 YEAS

0 NAYS

0 PRESENT

A 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 6080  
ADOPTION-CONSENT-SURRENDER  
THIRD READING  
PASSED

March 25, 2010

111 YEAS

0 NAYS

0 PRESENT

A 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
E 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 6380  
 LOCAL GOVERNMENT-TECH  
 THIRD READING  
 PASSED

March 25, 2010

107 YEAS

4 NAYS

0 PRESENT

A 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
E 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	N Franks	Y Mell	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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	N Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 6477  
CIVIL LAW-TECH  
THIRD READING  
PASSED

March 25, 2010

111 YEAS

0 NAYS

0 PRESENT

A 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
E 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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



STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5394  
 CRIM ID-SEALING RECORDS  
 THIRD READING  
 LOST

March 25, 2010

44 YEAS

66 NAYS

0 PRESENT

A Acevedo	Y Davis, Monique	Y Jefferson	N Reis
Y Arroyo	Y Davis, William	N Joyce	N Reitz
N Bassi	Y DeLuca	N Kosel	Y Riley
Y Beaubien	N 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
E Biggins	N Farnham	N Mautino	N Schmitz
N Black	N Feigenholtz	NV May	N Senger
Y Boland	N Flider	N McAsey	N Sente
N Bost	Y Flowers	N McAuliffe	N Smith
N Bradley	Y Ford	N McCarthy	N Sommer
N Brady	N Fortner	Y McGuire	Y Soto
N Brauer	N Franks	N Mell	E Stephens
Y Burke	Y Fritchey	Y Mendoza	N Sullivan
Y Burns	Y Froehlich	Y Miller	Y Thapedi
N Carberry	Y Golar	N Mitchell, Bill	Y Tracy
N Cavaletto	E Gordon, Careen	N Mitchell, Jerry	N Tryon
Y Chapa LaVia	N Gordon, Jehan	N Moffitt	Y Turner
N Coladipietro	A Graham	N Mulligan	N Verschoore
N Cole	Y Hamos	N Myers	N Wait
Y Collins	E Hannig	Y Nekritz	N Walker
Y Colvin	Y Harris	N Osmond	Y Washington
N Connelly	N Hatcher	Y Osterman	N Watson
N Coulson	Y Hernandez	N Phelps	N Winters
N Crespo	N Hoffman	N Pihos	Y Yarbrough
N Cross	N Holbrook	N Poe	N Zalewski
Y 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 6030  
GREEN MANUFACTURING LOANS  
THIRD READING  
PASSED

March 25, 2010

107 YEAS

4 NAYS

0 PRESENT

A 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
E Biggins	Y Farnham	Y Mautino	Y Schmitz
N Black	Y Feigenholtz	Y May	Y Senger
Y Boland	Y Flider	Y McAsey	Y Sente
N 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	N Franks	Y Mell	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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	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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 6208  
 UTIL-THIRD-PARTY SALES REPS  
 THIRD READING  
 PASSED

March 25, 2010

109 YEAS

0 NAYS

0 PRESENT

A 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
E Biggins	Y Farnham	Y Mautino	E 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	NV Franks	Y Mell	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5745  
CRIM CD-MEDICAL PERSONNEL  
THIRD READING  
PASSED

March 25, 2010

109 YEAS

0 NAYS

0 PRESENT

A 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
E Biggins	Y Farnham	Y Mautino	E 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	NV Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5744  
GOOD SAMARITAN FREE CLINICS  
THIRD READING  
PASSED

March 25, 2010

110 YEAS

0 NAYS

0 PRESENT

A 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
E Biggins	Y Farnham	Y Mautino	E 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 6235  
 COOK CNTY-POST UNCASHED CHECKS  
 THIRD READING  
 PASSED

March 25, 2010

109 YEAS

0 NAYS

0 PRESENT

A 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
E Biggins	Y Farnham	Y Mautino	E 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	NV Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5917  
 PUB HLTH-FOOD SERVICE MGR EXAM  
 THIRD READING  
 PASSED

March 25, 2010

92 YEAS	16 NAYS	2 PRESENT	
A 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	N Leitch	Y Rose
N Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	N Mathias	Y Saviano
E Biggins	Y Farnham	N Mautino	E Schmitz
N Black	Y Feigenholtz	Y May	Y Senger
Y Boland	Y Flider	N 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	N Mell	E 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	E Gordon, Careen	Y Mitchell, Jerry	N Tryon
Y Chapa LaVia	Y Gordon, Jehan	N Moffitt	Y Turner
Y Coladipietro	A Graham	N Mulligan	Y Verschoore
N Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E Hannig	Y Nekritz	N Walker
Y Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	N Hatcher	Y Osterman	N Watson
N Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	Y Hoffman	Y Pihos	Y Yarbrough
Y Cross	Y Holbrook	P Poe	Y Zalewski
Y Cultra	P Howard	Y Pritchard	Y Mr. Speaker
A Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	N Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 6239  
CNTY/VEH CD-ADMIN ADJUCIATION  
THIRD READING  
PASSED

March 25, 2010

96 YEAS

13 NAYS

1 PRESENT

A Acevedo	Y 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	N Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	N Eddy	Y Mathias	Y Saviano
E Biggins	Y Farnham	Y Mautino	E 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	N Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
N Brauer	N Franks	Y Mell	E 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
N Cavaletto	E Gordon, Careen	N Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	N Wait
Y Collins	E 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	N Poe	Y Zalewski
N 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



STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5301  
 VEH CD-PUBLIC SAFETY DIVER PLT  
 THIRD READING  
 PASSED

March 25, 2010

96 YEAS

14 NAYS

0 PRESENT

A Acevedo	Y Davis, Monique	Y Jefferson	Y Reis
Y Arroyo	Y Davis, William	Y Joyce	Y Reitz
N 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
E Biggins	Y Farnham	Y Mautino	E Schmitz
N Black	Y Feigenholtz	Y May	Y Senger
N Boland	Y Flider	Y McAsey	Y Sente
N Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	N McCarthy	Y Sommer
Y Brady	N Fortner	Y McGuire	Y Soto
Y Brauer	N Franks	Y Mell	E Stephens
Y Burke	Y Fritchey	Y Mendoza	N Sullivan
Y Burns	Y Froehlich	Y Miller	Y Thapedi
Y Carberry	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	N Verschoore
N Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E Hannig	N Nekritz	N Walker
Y Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
N Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	Y Hoffman	N 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5158  
PROP TX-REDEMPTION DEPOSIT  
THIRD READING  
PASSED

March 25, 2010

109 YEAS

0 NAYS

1 PRESENT

A 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
E Biggins	Y Farnham	Y Mautino	E 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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	P Howard	Y Pritchard	Y Mr. Speaker
A Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 6252  
 FIREWORKS-CONSUMER PERMIT  
 THIRD READING  
 PASSED

March 25, 2010

79 YEAS

31 NAYS

0 PRESENT

A Acevedo	Y Davis, Monique	Y Jefferson	N Reis
Y Arroyo	Y Davis, William	Y Joyce	Y Reitz
N Bassi	Y DeLuca	Y Kosel	Y Riley
Y Beaubien	Y Dugan	Y Lang	Y Rita
Y Beiser	Y Dunkin	N Leitch	N Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	N Eddy	Y Mathias	Y Saviano
E Biggins	Y Farnham	N Mautino	E Schmitz
N Black	Y Feigenholtz	Y May	Y 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	E Stephens
Y Burke	N Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	N Miller	Y Thapedi
Y Carberry	Y Golar	N Mitchell, Bill	N Tracy
N Cavaletto	E Gordon, Careen	N Mitchell, Jerry	N Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	N Verschoore
N Cole	Y Hamos	N Myers	N Wait
Y Collins	E Hannig	Y Nekritz	Y Walker
Y Colvin	Y Harris	N Osmond	Y Washington
Y Connelly	N Hatcher	Y Osterman	N Watson
Y Coulson	Y Hernandez	N Phelps	N Winters
Y Crespo	Y Hoffman	Y Pihos	Y Yarbrough
N Cross	N 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 6462  
CRIMINAL LAW-TECH  
THIRD READING  
PASSED

March 25, 2010

110 YEAS

0 NAYS

0 PRESENT

A 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
E Biggins	Y Farnham	Y Mautino	E 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 6129  
JUV CT-CONFIDENTIALITY  
THIRD READING  
PASSED

March 25, 2010

93 YEAS

17 NAYS

0 PRESENT

A Acevedo	Y 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	Y Leitch	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	N Eddy	Y Mathias	Y Saviano
E Biggins	N Farnham	Y Mautino	E Schmitz
Y Black	Y Feigenholtz	Y May	Y Senger
Y Boland	N Flider	N McAsey	N 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	E Stephens
Y Burke	Y Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	Y Miller	Y Thapedi
Y Carberry	Y Golar	N Mitchell, Bill	Y Tracy
N Cavaletto	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	N Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
N Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E Hannig	Y Nekritz	N 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
N Crespo	Y Hoffman	Y Pihos	Y Yarbrough
Y Cross	N 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5126  
SCH CD-COUNSELING CONFIDENTIAL  
THIRD READING  
PASSED

March 25, 2010

104 YEAS

5 NAYS

1 PRESENT

A Acevedo	P Davis, Monique	Y Jefferson	Y Reis
Y Arroyo	N Davis, William	Y Joyce	Y Reitz
N 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
E Biggins	Y Farnham	Y Mautino	E 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	N Ford	Y McCarthy	N Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
N Brauer	Y Franks	Y Mell	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5085  
INS-CANCER-DRUG-CLINIC TRIAL  
THIRD READING  
PASSED

March 25, 2010

110 YEAS

0 NAYS

0 PRESENT

A 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
E Biggins	Y Farnham	Y Mautino	E 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5401  
DRUG OVERDOSE-IMMUNITY  
THIRD READING  
LOST

March 25, 2010

39 YEAS

71 NAYS

0 PRESENT

A Acevedo	Y Davis, Monique	Y Jefferson	N Reis
N Arroyo	Y Davis, William	N Joyce	N Reitz
Y Bassi	Y DeLuca	N Kosel	Y Riley
N Beaubien	Y Dugan	Y Lang	Y Rita
N Beiser	Y Dunkin	N Leitch	N Rose
N Bellock	N Durkin	N Lyons	N Sacia
Y Berrios	N Eddy	N Mathias	N Saviano
E Biggins	N Farnham	N Mautino	E Schmitz
N Black	Y Feigenholtz	Y May	N Senger
Y Boland	N Flider	N McAsey	N Sente
N Bost	Y Flowers	N McAuliffe	N Smith
N Bradley	Y Ford	N McCarthy	N Sommer
N Brady	N Fortner	Y McGuire	Y Soto
N Brauer	N Franks	Y Mell	E Stephens
Y Burke	N Fritchey	Y Mendoza	N Sullivan
Y Burns	Y Froehlich	N Miller	Y Thapedi
N Carberry	Y Golar	N Mitchell, Bill	N Tracy
N Cavaletto	E Gordon, Careen	N Mitchell, Jerry	N Tryon
N Chapa LaVia	N Gordon, Jehan	N Moffitt	Y Turner
N Coladipietro	A Graham	N Mulligan	N Verschoore
N Cole	Y Hamos	N Myers	N Wait
Y Collins	E Hannig	Y Nekritz	N Walker
Y Colvin	Y Harris	N Osmond	Y Washington
N Connelly	N Hatcher	N Osterman	N Watson
N Coulson	Y Hernandez	N Phelps	N Winters
N Crespo	N Hoffman	N Pihos	Y Yarbrough
N Cross	N Holbrook	N Poe	N Zalewski
Y Cultra	Y Howard	N Pritchard	Y Mr. Speaker
A Currie	Y Jackson	N Ramey	
N D'Amico	Y Jakobsson	N Reboletti	

E - Denotes Excused Absence



STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 6459  
CRIMINAL LAW-TECH  
THIRD READING  
PASSED

March 25, 2010

110 YEAS

0 NAYS

0 PRESENT

A 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
E Biggins	Y Farnham	Y Mautino	E 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	E 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	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	A Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	E 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

**120TH LEGISLATIVE DAY**

**Perfunctory Session**

**THURSDAY, MARCH 25, 2010**

At the hour of 7:49 o'clock p.m., the House convened perfunctory session.

**SENATE RESOLUTION**

The following Senate Joint Resolution, received from the Senate, was read by the Clerk and referred to the Committee on Rules: SENATE JOINT RESOLUTION 81(Yarbrough).

**SENATE BILLS ON FIRST READING**

Having been reproduced, the following bills were taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 935 (D'Amico), 2494 (Davis, W), 2622 (Feigenholtz), 2812 (Watson), 2996 (Hoffman), 3152 (Froehlich), 3266 (Yarbrough), 3267 (Turner), 3344 (Reitz), 3359 (McAsey), 3522 (Joyce), 3702 (Currie), 3796 (D'Amico), 3797 (Mathais), 3800 (Mathias) and 3803 (Mathias).

**HOUSE BILLS ON SECOND READING**

Having been reproduced, the following bills were taken up, read by title a second time and held on the order of Second Reading: HOUSE BILLS 162, 391, 1429, 1598, 1653, 1900, 3693, 4650, 4652, 4657, 4664, 4727, 4763, 4795, 4827, 4872, 4931, 4936, 4959, 4965, 4992, 5040, 5107, 5108, 5127, 5128, 5164, 5181, 5210, 5218, 5231, 5279, 5300, 5305, 5326, 5334, 5369, 5372, 5416, 5453, 5471, 5473, 5476, 5485, 5494, 5514, 5516, 5552, 5564, 5569, 5576, 5578, 5601, 5604, 5611, 5631, 5634, 5646, 5699, 5701, 5713, 5736, 5751, 5776, 5786, 5787, 5792, 5799, 5835, 5869, 5934, 5942, 5950, 5954, 6000, 6002, 6008, 6052, 6053, 6066, 6072, 6073, 6105, 6115, 6120, 6126, 6156, 6206, 6215, 6224, 6230, 6234, 6263, 6277, 6362, 6369, 6384, 6390, 6409, 6411, 6417, 6422, 6423, 6424, 6428, 6440, 6449, 6453, 6474, 6475 and 6488.

**TEMPORARY COMMITTEE ASSIGNMENTS**

Representative DeLuca replaced Representative Hamos in the Committee on Environment & Energy on March 25, 2010.

Representative William Davis replaced Representative May in the Committee on Environment & Energy on March 25, 2010.

Representative Ford replaced Representative Smith in the Committee on Environment & Energy on March 25, 2010.

**REPORT FROM STANDING COMMITTEES**

Representative Holbrook, Chairperson, from the Committee on Environment & Energy to which the following were referred, action taken on March 25, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":  
Amendment No. 2 to HOUSE BILL 6439.

The committee roll call vote on Amendment No. 2 to House Bill 6439 is as follows:

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

Y Holbrook(D), Chairperson	Y Nekritz(D), Vice-Chairperson
Y Tryon(R), Republican Spokesperson	Y Beiser(D)
Y Bradley(D)	Y Cole(R)
Y Durkin(R)	Y Flider(D)
Y Fortner(R)	Y DeLuca(D) (replacing Hamos)
Y Davis, W(D) (replacing May)	Y Phelps(D)
Y Poe(R)	A Reboletti(R)
A Reitz(D)	A Rose(R)
Y Ford(D) (replacing Smith)	Y Verschoore(D)
A Watson(R)	A Winters(R)

At the hour of 8:00 o'clock p.m., the House Perfunctory Session adjourned.