

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-SIXTH GENERAL ASSEMBLY

133RD LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

THURSDAY, APRIL 29, 2010

10:09 O'CLOCK A.M.

HOUSE OF REPRESENTATIVES
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133rd Legislative Day

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The House met pursuant to adjournment.

Representative Turner in the chair.

Prayer by Scott Capp, Pastor of Outreach and Missions at the Village Bible Church of Sugar Grove, IL.

Representative Bassi 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:

112 present. (ROLL CALL 1)

By unanimous consent, Representatives Durkin, Mathias, Rose and Watson were excused from attendance. At the hour of 12:01 o'clock p.m., by unanimous consent, Representative Stephens was excused from attendance for the remainder of the day.

REQUEST TO BE SHOWN ON QUORUM

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Durkin, should be recorded as present at the hour of 10:30 o'clock a.m.

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Mell, should be recorded as present at the hour of 10:49 o'clock a.m.

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Rose, should be recorded as present at the hour of 11:15 o'clock a.m.

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Watson, should be recorded as present at the hour of 11:20 o'clock a.m.

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Yarbrough, should be recorded as present at the hour of 11:49 o'clock a.m.

REPORTS

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

The Efficiency and Sustainability of the Monetary Award Program as Required by House Joint Resolution 75, submitted by Illinois Board of Higher Education on April 23, 2010.

Village of Beecher Police Department's Compliance With Public Act 94-0987 (Law Enforcement Camera Grant Act), submitted by Village of Beecher Police Department on April 27, 2010.

Caseyville Police Department's Compliance With Public Act 94-0987 (Law Enforcement Camera Grant Act), submitted by Caseyville Police Department on April 27, 2010.

Directory of Illinois Public Retirement Systems and Pension Funds, submitted by Commission on Government Forecasting and Accountability on April 27, 2010.

A Pension Trust Fund of the State of Illinois Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2009, submitted by State Employees' Retirement System of Illinois on April 27, 2010.

LETTER OF TRANSMITTAL

April 29, 2010

Mark Mahoney
Chief Clerk of the House

[April 29, 2010]

6

402 State House
Springfield, IL 62706

Dear Clerk Mahoney:

Please be advised that I am extending the Committee/Final Action Deadline to May 7, 2010, for the following Senate Bills:

Senate Bills: 2487, .3460, .3683.

If you have questions, please contact my Chief of Staff, Tim Mapes, at 782-6360.

With kindest personal regards, I remain.

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

TEMPORARY COMMITTEE ASSIGNMENTS FOR COMMITTEES NOT REPORTING

Representative Franks replaced Representative Burke in the Committee on Personnel and Pensions on April 29, 2010.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Rita replaced Representative Osterman in the Committee on Elementary & Secondary Education on April 29, 2010.

Representative Bost replaced Representative Brady in the Committee on Insurance on April 29, 2010.

Representative Schmitz replaced Representative Bill Mitchell in the Committee on Insurance on April 29, 2010.

Representative Black replaced Representative Watson in the Committee on Insurance on April 29, 2010.

Representative Chapa LaVia replaced Representative Yarbrough in the Committee on Insurance on April 29, 2010.

Representative Mendoza replaced Representative Collins in the Committee on Judiciary II - Criminal Law on April 29, 2010.

Representative Winters replaced Representative Mulligan in the Committee on Health Care Licenses on April 29, 2010.

REPORTS FROM STANDING COMMITTEES

Representative Phelps, Chairperson, from the Committee on Agriculture & Conservation to which the following were referred, action taken on April 29, 2010, reported the same back with the following recommendations:

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: SENATE JOINT RESOLUTION 87.

The committee roll call vote on Senate Joint Resolution 87 is as follows:

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

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

Representative Verschoore, Chairperson, from the Committee on Counties & Townships to which the following were referred, action taken on April 29, 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: SENATE BILL 580.

The committee roll call vote on Senate Bill 580 is as follows:

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

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

Representative Smith, Chairperson, from the Committee on Elementary & Secondary Education to which the following were referred, action taken on April 29, 2010, reported the same back with the following recommendations:

That the resolution be reported “recommends be adopted” and be placed on the House Calendar: SENATE JOINT RESOLUTION 114.

The committee roll call vote on Senate Joint Resolution 114 is as follows:

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

Y Smith(D), Chairperson	Y Crespo(D), Vice-Chairperson
Y Mitchell, Jerry(R), Republican Spokesperson	Y Bassi(R)
Y Cavaletto(R)	Y Colvin(D)
Y Davis, Monique(D)	Y Dugan(D)
Y Eddy(R)	Y Flider(D)
Y Froehlich(D)	Y Golar(D)
A Miller(D)	Y Rita(D) (replacing Osterman)
Y Pihos(R)	Y Pritchard(R)
A Reis(R)	Y Senger(R)
Y Watson(R)	Y Yarbrough(D)

Representative Reitz, Chairperson, from the Committee on Health Care Licenses to which the following were referred, action taken on April 29, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported “recommends be adopted”:

Amendment No. 1 to SENATE BILL 851.

The committee roll call vote on Amendment No. 1 to Senate Bill 851 is as follows:

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

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

Y McCarthy(D)
Y Winters(R) (replacing Mulligan)

A Miller(D)
Y Verschoore(D)

Representative Monique Davis, Chairperson, from the Committee on Insurance to which the following were referred, action taken on April 29, 2010, reported the same back with the following recommendations:

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

Amendment No. 2 to SENATE BILL 2819.

The committee roll call vote on Amendment No. 2 to Senate Bill 2819 is as follows:

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

Y Davis, Monique(D), Chairperson
Y Black(R) (replacing Watson)
A Berrios(D)
Y Colvin(D)
Y Feigenholtz(D)
A Fritchey(D)
A Gordon, Careen(D)
Y Lang(D)
Y Mautino(D)
Y Schmitz(R) (replacing Mitchell, B)
Y Pritchard(R)
Y Senger(R)

Y Chapa LaVia(D) (replacing Yarbrough)
Y Beaubien(R)
Y Bost(R) (replacing Brady)
A Dunkin(D)
Y Ford(D)
Y Gabel(D)
Y Harris(D)
A Leitch(R)
A Mell(D)
Y Osmond(R)
A Rose(R)
A Stephens(R)

Representative Howard, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on April 29, 2010, reported the same back with the following recommendations:

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

Amendment No. 1 to SENATE BILL 2987.

Amendment No. 2 to SENATE BILL 3695.

The committee roll call vote on Amendment No. 1 to Senate Bill 2987 and Amendment No. 2 to SENATE BILL 3695 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 Mendoza(D) (replacing Collins)
Y Golar(D)
Y Sacia(R)

MOTIONS SUBMITTED

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

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 4649.

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

MOTION

I move to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 4866.

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

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 5219.

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

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 5223.

Representative Ramey submitted the following written motion, which was placed in the Committee on Rules:

MOTION

I move to table Amendment 1 to SENATE BILL 3176.

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

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 6065.

Representative D'Amico submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 4860.

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

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 5448.

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

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 5732.

STATE DEBT IMPACT NOTE SUPPLIED

A State Debt Impact Note has been supplied for HOUSE BILL 6123.

JUDICIAL NOTE SUPPLIED

A Judicial Note has been supplied for HOUSE BILL 6123.

LAND CONVEYANCE APPRAISAL NOTE SUPPLIED

A Land Conveyance Appraisal Note has been supplied for SENATE BILL 2494, as amended.

REQUEST FOR FISCAL NOTE

Representative Mulligan requested that a Fiscal Note be supplied for SENATE BILL 2612.

REQUEST FOR HOME RULE NOTE

Representative Mulligan requested that a Home Rule Note be supplied for SENATE BILL 2612.

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 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. 2925

A bill for AN ACT concerning elections.
Passed by the Senate, April 29, 2010.

Jillayne Rock, Secretary of the Senate

The foregoing SENATE BILL 2925 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 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. 2545

A bill for AN ACT concerning public aid.
Passed by the Senate, April 29, 2010.

Jillayne Rock, Secretary of the Senate

The foregoing SENATE BILL 2545 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 concurred with the House in the passage of bills of the following titles to-wit:

HOUSE BILL NO. 5912

A bill for AN ACT concerning business.

HOUSE BILL NO. 5913

A bill for AN ACT concerning corrections.

HOUSE BILL NO. 5927

A bill for AN ACT concerning insurance.

HOUSE BILL NO. 5930

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 5946
 A bill for AN ACT concerning regulation.
 HOUSE BILL NO. 5956
 A bill for AN ACT concerning employment.
 HOUSE BILL NO. 5969
 A bill for AN ACT concerning forfeiture.
 HOUSE BILL NO. 5970
 A bill for AN ACT concerning local government.
 HOUSE BILL NO. 5972
 A bill for AN ACT concerning local government.
 HOUSE BILL NO. 5976
 A bill for AN ACT concerning civil law.
 HOUSE BILL NO. 5991
 A bill for AN ACT concerning regulation.
 Passed by the Senate, April 29, 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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 5923
 A bill for AN ACT concerning local government.
 Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
 Senate Amendment No. 1 to HOUSE BILL NO. 5923
 Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5923 on page 3, by replacing line 19 with the following: "and not more than 45 acres. The petition to the court required by this Section shall in the case of the area described in this paragraph also include a comprehensive plan that specifically details the services that the newly incorporated municipality shall provide and the estimated initial annual cost of those services. If the area is incorporated following referendum approval, then the newly incorporated municipality must directly provide or contract for 24-hours-per-day, 7-days-per-week law enforcement services. The consent of a municipality need".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 5923 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 5998
 A bill for AN ACT concerning regulation.
 Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
 Senate Amendment No. 1 to HOUSE BILL NO. 5998
 Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5998 by replacing everything after the enacting clause with the following:

"Section 5. The Assisted Living and Shared Housing Act is amended by changing Sections 10, 20, 30, and 110 as follows:

(210 ILCS 9/10)

(Text of Section before amendment by P.A. 96-339)

Sec. 10. Definitions. For purposes of this Act:

"Activities of daily living" means eating, dressing, bathing, toileting, transferring, or personal hygiene.

~~"Advisory Board" means the Assisted Living and Shared Housing Standards and Quality of Life Advisory Board.~~

"Assisted living establishment" or "establishment" means a home, building, residence, or any other place where sleeping accommodations are provided for at least 3 unrelated adults, at least 80% of whom are 55 years of age or older and where the following are provided consistent with the purposes of this Act:

(1) services consistent with a social model that is based on the premise that the resident's unit in assisted living and shared housing is his or her own home;

(2) community-based residential care for persons who need assistance with activities of daily living, including personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident;

(3) mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or resident's representative; and

(4) a physical environment that is a homelike setting that includes the following and such other elements as established by the Department ~~in conjunction with the Assisted Living and Shared Housing Standards and Quality of Life Advisory Board~~: individual living units each of which shall accommodate small kitchen appliances and contain private bathing, washing, and toilet facilities, or private washing and toilet facilities with a common bathing room readily accessible to each resident. Units shall be maintained for single occupancy except in cases in which 2 residents choose to share a unit. Sufficient common space shall exist to permit individual and group activities.

"Assisted living establishment" or "establishment" does not mean any of the following:

(1) A home, institution, or similar place operated by the federal government or the State of Illinois.

(2) A long term care facility licensed under the Nursing Home Care Act. However, a long term care facility may convert distinct parts of the facility to assisted living. If the long term care facility elects to do so, the facility shall retain the Certificate of Need for its nursing and sheltered care beds that were converted.

(3) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.

(4) A facility for child care as defined in the Child Care Act of 1969.

(5) A community living facility as defined in the Community Living Facilities Licensing Act.

(6) A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenants of a well-recognized church or religious denomination.

(7) A facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

(8) A supportive residence licensed under the Supportive Residences Licensing Act.

(9) The portion of a life care facility as defined in the Life Care Facilities Act not licensed as an assisted living establishment under this Act; a life care facility may apply under this Act to convert sections of the community to assisted living.

(10) A free-standing hospice facility licensed under the Hospice Program Licensing Act.

(11) A shared housing establishment.

(12) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

"Department" means the Department of Public Health.

"Director" means the Director of Public Health.

"Emergency situation" means imminent danger of death or serious physical harm to a resident of an establishment.

"License" means any of the following types of licenses issued to an applicant or licensee by the Department:

(1) "Probationary license" means a license issued to an applicant or licensee that has not held a license under this Act prior to its application or pursuant to a license transfer in accordance with Section 50 of this Act.

(2) "Regular license" means a license issued by the Department to an applicant or licensee that is in substantial compliance with this Act and any rules promulgated under this Act.

"Licensee" means a person, agency, association, corporation, partnership, or organization that has been issued a license to operate an assisted living or shared housing establishment.

"Licensed health care professional" means a registered professional nurse, an advanced practice nurse, a physician assistant, and a licensed practical nurse.

"Mandatory services" include the following:

(1) 3 meals per day available to the residents prepared by the establishment or an outside contractor;

(2) housekeeping services including, but not limited to, vacuuming, dusting, and cleaning the resident's unit;

(3) personal laundry and linen services available to the residents provided or arranged for by the establishment;

(4) security provided 24 hours each day including, but not limited to, locked entrances or building or contract security personnel;

(5) an emergency communication response system, which is a procedure in place 24 hours each day by which a resident can notify building management, an emergency response vendor, or others able to respond to his or her need for assistance; and

(6) assistance with activities of daily living as required by each resident.

"Negotiated risk" is the process by which a resident, or his or her representative, may formally negotiate with providers what risks each are willing and unwilling to assume in service provision and the resident's living environment. The provider assures that the resident and the resident's representative, if any, are informed of the risks of these decisions and of the potential consequences of assuming these risks.

"Owner" means the individual, partnership, corporation, association, or other person who owns an assisted living or shared housing establishment. In the event an assisted living or shared housing establishment is operated by a person who leases or manages the physical plant, which is owned by another person, "owner" means the person who operates the assisted living or shared housing establishment, except that if the person who owns the physical plant is an affiliate of the person who operates the assisted living or shared housing establishment and has significant control over the day to day operations of the assisted living or shared housing establishment, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under this Act.

"Physician" means a person licensed under the Medical Practice Act of 1987 to practice medicine in all of its branches.

"Resident" means a person residing in an assisted living or shared housing establishment.

"Resident's representative" means a person, other than the owner, agent, or employee of an establishment or of the health care provider unless related to the resident, designated in writing by a resident to be his or her representative. This designation may be accomplished through the Illinois Power of Attorney Act, pursuant to the guardianship process under the Probate Act of 1975, or pursuant to an executed designation of representative form specified by the Department.

"Self" means the individual or the individual's designated representative.

"Shared housing establishment" or "establishment" means a publicly or privately operated free-standing residence for 16 or fewer persons, at least 80% of whom are 55 years of age or older and who are unrelated to the owners and one manager of the residence, where the following are provided:

(1) services consistent with a social model that is based on the premise that the resident's unit is his or her own home;

(2) community-based residential care for persons who need assistance with activities of daily living, including housing and personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident; and

(3) mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or the resident's representative. "Shared housing establishment" or "establishment" does not mean any of the following:

- (1) A home, institution, or similar place operated by the federal government or the State of Illinois.
- (2) A long term care facility licensed under the Nursing Home Care Act. A long term care facility may, however, convert sections of the facility to assisted living. If the long term care facility elects to do so, the facility shall retain the Certificate of Need for its nursing beds that were converted.
- (3) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.
- (4) A facility for child care as defined in the Child Care Act of 1969.
- (5) A community living facility as defined in the Community Living Facilities Licensing Act.
- (6) A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenants of a well-recognized church or religious denomination.
- (7) A facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.
- (8) A supportive residence licensed under the Supportive Residences Licensing Act.
- (9) A life care facility as defined in the Life Care Facilities Act; a life care facility may apply under this Act to convert sections of the community to assisted living.
- (10) A free-standing hospice facility licensed under the Hospice Program Licensing Act.
- (11) An assisted living establishment.
- (12) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

"Total assistance" means that staff or another individual performs the entire activity of daily living without participation by the resident.

(Source: P.A. 95-216, eff. 8-16-07.)

(Text of Section after amendment by P.A. 96-339)

Sec. 10. Definitions. For purposes of this Act:

"Activities of daily living" means eating, dressing, bathing, toileting, transferring, or personal hygiene.

~~"Advisory Board" means the Assisted Living and Shared Housing Standards and Quality of Life Advisory Board.~~

"Assisted living establishment" or "establishment" means a home, building, residence, or any other place where sleeping accommodations are provided for at least 3 unrelated adults, at least 80% of whom are 55 years of age or older and where the following are provided consistent with the purposes of this Act:

- (1) services consistent with a social model that is based on the premise that the resident's unit in assisted living and shared housing is his or her own home;
- (2) community-based residential care for persons who need assistance with activities of daily living, including personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident;
- (3) mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or resident's representative; and
- (4) a physical environment that is a homelike setting that includes the following and such other elements as established by the Department ~~in conjunction with the Assisted Living and Shared Housing Standards and Quality of Life Advisory Board~~: individual living units each of which shall accommodate small kitchen appliances and contain private bathing, washing, and toilet facilities, or private washing and toilet facilities with a common bathing room readily accessible to each resident. Units shall be maintained for single occupancy except in cases in which 2 residents choose to share a unit. Sufficient common space shall exist to permit individual and group activities.

"Assisted living establishment" or "establishment" does not mean any of the following:

- (1) A home, institution, or similar place operated by the federal government or the State of Illinois.
- (2) A long term care facility licensed under the Nursing Home Care Act or a facility licensed under the MR/DD Community Care Act. However, a facility licensed under either of those Acts

may convert distinct parts of the facility to assisted living. If the facility elects to do so, the facility shall retain the Certificate of Need for its nursing and sheltered care beds that were converted.

(3) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.

(4) A facility for child care as defined in the Child Care Act of 1969.

(5) A community living facility as defined in the Community Living Facilities Licensing Act.

(6) A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenants of a well-recognized church or religious denomination.

(7) A facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

(8) A supportive residence licensed under the Supportive Residences Licensing Act.

(9) The portion of a life care facility as defined in the Life Care Facilities Act not licensed as an assisted living establishment under this Act; a life care facility may apply under this Act to convert sections of the community to assisted living.

(10) A free-standing hospice facility licensed under the Hospice Program Licensing Act.

(11) A shared housing establishment.

(12) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

"Department" means the Department of Public Health.

"Director" means the Director of Public Health.

"Emergency situation" means imminent danger of death or serious physical harm to a resident of an establishment.

"License" means any of the following types of licenses issued to an applicant or licensee by the Department:

(1) "Probationary license" means a license issued to an applicant or licensee that has not held a license under this Act prior to its application or pursuant to a license transfer in accordance with Section 50 of this Act.

(2) "Regular license" means a license issued by the Department to an applicant or licensee that is in substantial compliance with this Act and any rules promulgated under this Act.

"Licensee" means a person, agency, association, corporation, partnership, or organization that has been issued a license to operate an assisted living or shared housing establishment.

"Licensed health care professional" means a registered professional nurse, an advanced practice nurse, a physician assistant, and a licensed practical nurse.

"Mandatory services" include the following:

(1) 3 meals per day available to the residents prepared by the establishment or an outside contractor;

(2) housekeeping services including, but not limited to, vacuuming, dusting, and cleaning the resident's unit;

(3) personal laundry and linen services available to the residents provided or arranged for by the establishment;

(4) security provided 24 hours each day including, but not limited to, locked entrances or building or contract security personnel;

(5) an emergency communication response system, which is a procedure in place 24 hours each day by which a resident can notify building management, an emergency response vendor, or others able to respond to his or her need for assistance; and

(6) assistance with activities of daily living as required by each resident.

"Negotiated risk" is the process by which a resident, or his or her representative, may formally negotiate with providers what risks each are willing and unwilling to assume in service provision and the resident's living environment. The provider assures that the resident and the resident's representative, if any, are informed of the risks of these decisions and of the potential consequences of assuming these risks.

"Owner" means the individual, partnership, corporation, association, or other person who owns an assisted living or shared housing establishment. In the event an assisted living or shared housing establishment is operated by a person who leases or manages the physical plant, which is owned by another

person, "owner" means the person who operates the assisted living or shared housing establishment, except that if the person who owns the physical plant is an affiliate of the person who operates the assisted living or shared housing establishment and has significant control over the day to day operations of the assisted living or shared housing establishment, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under this Act.

"Physician" means a person licensed under the Medical Practice Act of 1987 to practice medicine in all of its branches.

"Resident" means a person residing in an assisted living or shared housing establishment.

"Resident's representative" means a person, other than the owner, agent, or employee of an establishment or of the health care provider unless related to the resident, designated in writing by a resident to be his or her representative. This designation may be accomplished through the Illinois Power of Attorney Act, pursuant to the guardianship process under the Probate Act of 1975, or pursuant to an executed designation of representative form specified by the Department.

"Self" means the individual or the individual's designated representative.

"Shared housing establishment" or "establishment" means a publicly or privately operated free-standing residence for 16 or fewer persons, at least 80% of whom are 55 years of age or older and who are unrelated to the owners and one manager of the residence, where the following are provided:

(1) services consistent with a social model that is based on the premise that the resident's unit is his or her own home;

(2) community-based residential care for persons who need assistance with activities of daily living, including housing and personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident; and

(3) mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or the resident's representative.

"Shared housing establishment" or "establishment" does not mean any of the following:

(1) A home, institution, or similar place operated by the federal government or the State of Illinois.

(2) A long term care facility licensed under the Nursing Home Care Act or a facility licensed under the MR/DD Community Care Act. A facility licensed under either of those Acts may, however, convert sections of the facility to assisted living. If the facility elects to do so, the facility shall retain the Certificate of Need for its nursing beds that were converted.

(3) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.

(4) A facility for child care as defined in the Child Care Act of 1969.

(5) A community living facility as defined in the Community Living Facilities Licensing Act.

(6) A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenants of a well-recognized church or religious denomination.

(7) A facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

(8) A supportive residence licensed under the Supportive Residences Licensing Act.

(9) A life care facility as defined in the Life Care Facilities Act; a life care facility may apply under this Act to convert sections of the community to assisted living.

(10) A free-standing hospice facility licensed under the Hospice Program Licensing Act.

(11) An assisted living establishment.

(12) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

"Total assistance" means that staff or another individual performs the entire activity of daily living without participation by the resident.

(Source: P.A. 95-216, eff. 8-16-07; 96-339, eff. 7-1-10.)

(210 ILCS 9/20)

Sec. 20. Construction and operating standards. The Department, ~~in consultation with the Advisory Board,~~ shall prescribe minimum standards for establishments. These standards shall include:

(1) the location and construction of the establishment, including plumbing, heating,

lighting, ventilation, and other physical conditions which shall ensure the health, safety, and comfort of residents and their protection from fire hazards; these standards shall include, at a minimum, compliance with the residential board and care occupancies chapter of the National Fire Protection Association's Life Safety Code, local and State building codes for the building type, and accessibility standards of the Americans with Disabilities Act;

(2) the number and qualifications of all personnel having responsibility for any part of the services provided for residents;

(3) all sanitary conditions within the establishment and its surroundings, including water supply, sewage disposal, food handling, infection control, and general hygiene, which shall ensure the health and comfort of residents;

(4) a program for adequate maintenance of physical plant and equipment;

(5) adequate accommodations, staff, and services for the number and types of residents for whom the establishment is licensed;

(6) the development of evacuation and other appropriate safety plans for use during weather, health, fire, physical plant, environmental, and national defense emergencies; and

(7) the maintenance of minimum financial and other resources necessary to meet the standards established under this Section and to operate the establishment in accordance with this Act.

(Source: P.A. 91-656, eff. 1-1-01.)

(210 ILCS 9/30)

Sec. 30. Licensing.

(a) The Department, ~~in consultation with the Advisory Board~~, shall establish by rule forms, procedures, and fees for the annual licensing of assisted living and shared housing establishments; shall establish and enforce sanctions and penalties for operating in violation of this Act, as provided in Section 135 of this Act and rules adopted under Section 110 of this Act. The Department shall conduct an annual on-site review for each establishment covered by this Act, which shall include, but not be limited to, compliance with this Act and rules adopted hereunder, focus on solving resident issues and concerns, and the quality improvement process implemented by the establishment to address resident issues. The quality improvement process implemented by the establishment must benchmark performance, be customer centered, be data driven, and focus on resident satisfaction.

(b) An establishment shall provide the following information to the Department to be considered for licensure:

(1) the business name, street address, mailing address, and telephone number of the establishment;

(2) the name and mailing address of the owner or owners of the establishment and if the owner or owners are not natural persons, identification of the type of business entity of the owners, and the names and addresses of the officers and members of the governing body, or comparable persons for partnerships, limited liability companies, or other types of business organizations;

(3) financial information, content and form to be determined by rules which may provide different standards for assisted living establishments and shared housing establishments, establishing that the project is financially feasible;

(4) the name and mailing address of the managing agent of the establishment, whether hired under a management agreement or lease agreement, if different from the owner or owners, and the name of the full-time director;

(5) verification that the establishment has entered or will enter into a service delivery contract as provided in Section 90, as required under this Act, with each resident or resident's representative;

(6) the name and address of at least one natural person who shall be responsible for dealing with the Department on all matters provided for in this Act, on whom personal service of all notices and orders shall be made, and who shall be authorized to accept service on behalf of the owner or owners and the managing agent. Notwithstanding a contrary provision of the Code of Civil Procedure, personal service on the person identified pursuant to this subsection shall be considered service on the owner or owners and the managing agent, and it shall not be a defense to any action that personal service was not made on each individual or entity;

(7) the signature of the authorized representative of the owner or owners;

(8) proof of an ongoing quality improvement program in accordance with rules adopted by the Department ~~in collaboration with the Advisory Board~~;

(9) information about the number and types of units, the maximum census, and the

services to be provided at the establishment, proof of compliance with applicable State and local residential standards, and a copy of the standard contract offered to residents;

(10) documentation of adequate liability insurance; and

(11) other information necessary to determine the identity and qualifications of an applicant or licensee to operate an establishment in accordance with this Act as required by the Department by rule.

(c) The information in the statement of ownership shall be public information and shall be available from the Department.

(Source: P.A. 91-656, eff. 1-1-01.)

(210 ILCS 9/110)

Sec. 110. Powers and duties of the Department.

(a) The Department shall conduct an annual unannounced on-site visit at each assisted living and shared housing establishment to determine compliance with applicable licensure requirements and standards. Additional visits may be conducted without prior notice to the assisted living or shared housing establishment.

(b) Upon receipt of information that may indicate the failure of the assisted living or shared housing establishment or a service provider to comply with a provision of this Act, the Department shall investigate the matter or make appropriate referrals to other government agencies and entities having jurisdiction over the subject matter of the possible violation. The Department may also make referrals to any public or private agency that the Department considers available for appropriate assistance to those involved. The Department may oversee and coordinate the enforcement of State consumer protection policies affecting residents residing in an establishment licensed under this Act.

(c) The Department shall establish by rule complaint receipt, investigation, resolution, and involuntary residency termination procedures. Resolution procedures shall provide for on-site review and evaluation of an assisted living or shared housing establishment found to be in violation of this Act within a specified period of time based on the gravity and severity of the violation and any pervasive pattern of occurrences of the same or similar violations.

(d) ~~(Blank). The Governor shall establish an Assisted Living and Shared Housing Standards and Quality of Life Advisory Board.~~

(e) The Department shall by rule establish penalties and sanctions, which shall include, but need not be limited to, the creation of a schedule of graduated penalties and sanctions to include closure.

(f) The Department shall by rule establish procedures for disclosure of information to the public, which shall include, but not be limited to, ownership, licensure status, frequency of complaints, disposition of substantiated complaints, and disciplinary actions.

(g) (Blank).

(h) Beginning January 1, 2000, the Department shall begin drafting rules necessary for the administration of this Act.

(Source: P.A. 93-1003, eff. 8-23-04.)

(210 ILCS 9/125 rep.)

Section 10. The Assisted Living and Shared Housing Act is amended by repealing Section 125.

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 5998 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 6001

A bill for AN ACT concerning regulation.

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

Senate Amendment No. 1 to HOUSE BILL NO. 6001

Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 6001 on page 1, line 5, after "50," by inserting "54,";
and

on page 1, line 7, by deleting "and by adding Section 51"; and

on page 1, by deleting lines 15 through 17; and

on page 1, by deleting line 23; and

on page 2, by deleting lines 1 through 5; and

on page 8, line 11, by deleting "or for enrollment as a Geologist Intern"; and

on page 8, line 15, by deleting "or enrollments"; and

on page 8, line 16, by deleting "or enrolled"; and

on page 8, line 17, by deleting "or"; and

on page 8, line 18, by deleting "enrollments"; and

on page 8, line 19, by deleting "or enrolled"; and

on page 9, by replacing line 3 with "for licensing."; and

on page 9, by replacing lines 5 and 6 with "licensees, and all persons whose licenses"; and

on page 12, by replacing lines 1 through 19 with the following:

"(225 ILCS 745/40)

(Section scheduled to be repealed on January 1, 2016)

Sec. 40. Application for original license. Applications for original licenses shall be made to the Department on forms prescribed by the Department and accompanied by the required fee. All applications shall contain the information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license to practice as a Licensed Professional Geologist ~~licensed professional geologist~~.

(Source: P.A. 89-366, eff. 7-1-96.)"; and

on page 13, line 1, by deleting "and enrollment as a Geologist Intern"; and

on page 13, by replacing lines 11 through 14 with "and science of geology"; and

on page 13, by replacing lines 15 through 17 with the following:

"(b) Applicants for examinations shall pay, either to the Department or to the"; and

on page 13, line 19, by deleting "required"; and

on page 13, line 25, by deleting "for licensure"; and

on page 13, by replacing line 26 with "refuses to take an examination or fails to pass"; and

on page 14, by replacing line 1 with "an examination for a license under this Act within 63"; and

on page 14, by replacing lines 13 and 14 with "applicant for licensure as a Licensed Professional Geologist ~~professional geologist~~"; and

on page 16, immediately below line 14, by inserting the following:

"(c) The Department may establish by rule an intern process to, in part, allow (1) a graduate who has earned a degree in geology from an accredited college or university in accordance with this Act or (2) a student in a degree program at an accredited college or university who has completed the necessary course requirements established in this Section to request to take one or both parts of the examination required by the Department. The Department may set by rule the criteria for the process, including, but not limited to, the educational requirements, exam requirements, experience requirements, remediation requirements, and any fees or applications required for the process. The Department may also set by rule provisions concerning disciplinary guidelines and the use of the title "intern" or "trainee" by a graduate or student who has passed the required examination."; and

on page 16, immediately below line 15, by inserting the following:

"(225 ILCS 745/54)

(Section scheduled to be repealed on January 1, 2016)

Sec. 54. Previous qualification in other jurisdiction. The Department may, upon the recommendation of the Board, issue a license by endorsement to any applicant who, upon applying to the Department and remitting the required application fee, meets all of the following qualifications:

(1) The applicant holds an active, valid license to practice professional geology in at least one jurisdiction in the United States in which the current requirements for licensure are substantially equivalent to or more stringent than those required by this Act.

(2) The applicant is of good ethical character as established by the Department in the Code of Professional Conduct and Ethics under this Act and has not committed any act or offense in any

jurisdiction that would constitute the basis for discipline under this Act.

(3) The applicant has met any other qualifications recommended to the Department by the Board.

An applicant has 3 years from the date of application to complete the application process. If the process has not been completed within this 3 year period, then the application shall be denied, the fee shall be forfeited, and the applicant must re-apply and meet the requirements in effect at the time of re-application.

(Source: P.A. 89-366, eff. 7-1-96.)"; and

by deleting line 16 on page 16 through line 1 on page 18; and

by replacing line 24 on page 19 through line 18 on page 21 with the following:

"(225 ILCS 745/65)

(Section scheduled to be repealed on January 1, 2016)

Sec. 65. Expiration and renewal of license. The expiration date and renewal period for each license shall be set by rule. A Licensed Professional Geologist ~~professional geologist~~ whose license has expired may reinstate his or her license or enrollment at any time within 5 years after the expiration thereof, by making a renewal application and by paying the required fee. However, any Licensed Professional Geologist ~~professional geologist~~ whose license expired while he or she was (i) on active duty with the Armed Forces of the United States or called into service or training by the State militia or (ii) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her Licensed Professional Geologist ~~professional geologist~~ license renewed, reinstated, or restored without paying any lapsed renewal fees if within 2 years after termination of the service, training, or education the Licensed Professional Geologist ~~professional geologist~~ furnishes the Department with satisfactory evidence of service, training, or education and that it has been terminated under honorable conditions.

Any professional geologist whose Licensed Professional Geologist license has expired for more than 5 years may have it restored by making application to the Department, paying the required fee, and filing acceptable proof of fitness to have the license restored. The proof may include sworn evidence certifying active practice in another jurisdiction. If the geologist has not practiced for 5 years or more, the Board shall determine by an evaluation program established by rule, whether that individual is fit to resume active status as a Licensed Professional Geologist. The Board ~~and~~ may require the ~~professional~~ geologist to complete a period of evaluated professional experience and may require successful completion of an examination.

The Department may refuse to issue or may suspend the license of any person who fails to file a tax 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.

(Source: P.A. 89-366, eff. 7-1-96; 90-61, eff. 12-30-97.)"; and

on page 21, line 24, by deleting "or enrollment"; and

on page 23, line 11, by deleting "or Geologist Intern enrollment".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 6001 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 6022

A bill for AN ACT concerning revenue.

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

Senate Amendment No. 1 to HOUSE BILL NO. 6022

Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 6022 by replacing everything after the enacting clause with the following:

"Section 3. The Retailers' Occupation Tax Act is amended by changing Section 2d as follows:

(35 ILCS 120/2d) (from Ch. 120, par. 441d)

Sec. 2d. Tax prepayment by motor fuel retailer.

(a) Any person engaged in the business of selling motor fuel at retail, as defined in the Motor Fuel Tax Law, and who is not a licensed distributor or supplier, as defined in the Motor Fuel Tax Law, shall prepay to his or her distributor, supplier, or other reseller of motor fuel a portion of the tax imposed by this Act if the distributor, supplier, or other reseller of motor fuel is registered under Section 2a or Section 2c of this Act. The prepayment requirement provided for in this Section does not apply to liquid propane gas.

(b) Beginning on July 1, 2000 and through December 31, 2000, the Retailers' Occupation Tax paid to the distributor, supplier, or other reseller shall be an amount equal to \$0.01 per gallon of the motor fuel, except gasohol as defined in Section 2-10 of this Act which shall be an amount equal to \$0.01 per gallon, purchased from the distributor, supplier, or other reseller.

(c) Before July 1, 2000 and then beginning on January 1, 2001 and through June 30, 2003, the Retailers' Occupation Tax paid to the distributor, supplier, or other reseller shall be an amount equal to \$0.04 per gallon of the motor fuel, except gasohol as defined in Section 2-10 of this Act which shall be an amount equal to \$0.03 per gallon, purchased from the distributor, supplier, or other reseller.

(d) Beginning July 1, 2003 and ~~through December 31, 2010 thereafter~~, the Retailers' Occupation Tax paid to the distributor, supplier, or other reseller shall be an amount equal to \$0.06 per gallon of the motor fuel, except gasohol as defined in Section 2-10 of this Act which shall be an amount equal to \$0.05 per gallon, purchased from the distributor, supplier, or other reseller.

(e) Beginning on January 1, 2011 and thereafter, the Retailers' Occupation Tax paid to the distributor, supplier, or other reseller shall be at the rate established by the Department under this subsection. The rate shall be established by the Department on January 1 and July 1 of each year using the average selling price, as defined in Section 1 of this Act, per gallon of motor fuel sold in the State during the previous 6 months and multiplying that amount by 6.25% to determine the cents per gallon rate. In the case of biodiesel blends, as defined in Section 3-42 of the Use Tax Act, with no less than 1% and no more than 10% biodiesel, and in the case of gasohol, as defined in Section 3-40 of the Use Tax Act, the rate shall be 80% of the rate established by the Department under this subsection for motor fuel. The Department shall provide persons subject to this Section notice of the rate established under this subsection at least 20 days prior to each January 1 and July 1. Publication of the established rate on the Department's internet website shall constitute sufficient notice under this Section. The Department may use data derived from independent surveys conducted or accumulated by third parties to determine the average selling price per gallon of motor fuel sold in the State.

(f) Any person engaged in the business of selling motor fuel at retail shall be entitled to a credit against tax due under this Act in an amount equal to the tax paid to the distributor, supplier, or other reseller.

(g) Every distributor, supplier, or other reseller registered as provided in Section 2a or Section 2c of this Act shall remit the prepaid tax on all motor fuel that is due from any person engaged in the business of selling at retail motor fuel with the returns filed under Section 2f or Section 3 of this Act, but the vendors discount provided in Section 3 shall not apply to the amount of prepaid tax that is remitted. Any distributor or supplier who fails to properly collect and remit the tax shall be liable for the tax. For purposes of this Section, the prepaid tax is due on invoiced gallons sold during a month by the 20th day of the following month.

(Source: P.A. 93-32, eff. 6-20-03.)

Section 5. The Motor Fuel Tax Law is amended by changing Sections 1.2, 1.14, 1.22, 2, 3, 3a, 5, 5a, 6, 6a, 8, 13, 13a.4, 13a.5, and 15 and by adding Section 17a as follows:

(35 ILCS 505/1.2) (from Ch. 120, par. 417.2)

Sec. 1.2. Distributor. "Distributor" means a person who either (i) produces, refines, blends, compounds or manufactures motor fuel in this State, or (ii) transports motor fuel into this State, or (iii) exports motor fuel out of this State, or (iv) engages in the distribution of motor fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he or she has active bulk storage capacity of not less than 30,000 gallons for gasoline as defined in item (A) of Section 5 of this Law.

"Distributor" does not, however, include a person who receives or transports into this State and sells or uses motor fuel under such circumstances as preclude the collection of the tax herein imposed, by reason of the provisions of the constitution and statutes of the United States. However, a person operating a motor vehicle into the State, may transport motor fuel in the ordinary fuel tank attached to the motor vehicle for

the operation of the motor vehicle, without being considered a distributor. Any railroad ~~licensed as a bulk user and~~ registered under Section 18c-7201 of the Illinois Vehicle Code may deliver special fuel directly into the fuel supply tank of a locomotive owned, operated, or controlled by any other railroad registered under Section 18c-7201 of the Illinois Vehicle Code without being considered a distributor or supplier. (Source: P.A. 91-173, eff. 1-1-00; 91-198, eff. 7-20-99; 92-16, eff. 6-28-01.)

(35 ILCS 505/1.14) (from Ch. 120, par. 417.14)

Sec. 1.14. Supplier. "Supplier" means any person other than a licensed distributor who (i) transports special fuel into this State; ~~or~~ (ii) exports special fuel out of this State; or (iii) engages in the distribution of special fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he has active bulk storage capacity of not less than 30,000 gallons for special fuel as defined in Section 1.13 of this Law.

"Supplier" does not, however, include a person who receives or transports into this State and sells or uses special fuel under such circumstances as preclude the collection of the tax herein imposed, by reason of the provisions of the Constitution and laws of the United States. However, a person operating a motor vehicle into the State, may transport special fuel in the ordinary fuel tank attached to the motor vehicle for the operation of the motor vehicle without being considered a supplier. Any railroad licensed as a bulk user and registered under Section 18c-7201 of the Illinois Vehicle Code may deliver special fuel directly into the fuel supply tank of a locomotive owned, operated, or controlled by any other railroad registered under Section 18c-7201 of the Illinois Vehicle Code without being considered a supplier.

(Source: P.A. 91-173, eff. 1-1-00; 91-198, eff. 7-20-99; 92-16, eff. 6-28-01.)

(35 ILCS 505/1.22)

Sec. 1.22. "Jurisdiction" means a state of the United States, the District of Columbia, a state of the United Mexican States, or a province or Territory of Canada.

(Source: P.A. 88-480.)

(35 ILCS 505/2) (from Ch. 120, par. 418)

Sec. 2. A tax is imposed on the privilege of operating motor vehicles upon the public highways and recreational-type watercraft upon the waters of this State.

(a) Prior to August 1, 1989, the tax is imposed at the rate of 13 cents per gallon on all motor fuel used in motor vehicles operating on the public highways and recreational type watercraft operating upon the waters of this State. Beginning on August 1, 1989 and until January 1, 1990, the rate of the tax imposed in this paragraph shall be 16 cents per gallon. Beginning January 1, 1990, the rate of tax imposed in this paragraph shall be 19 cents per gallon.

(b) The tax on the privilege of operating motor vehicles which use diesel fuel shall be the rate according to paragraph (a) plus an additional 2 1/2 cents per gallon. "Diesel fuel" is defined as any product intended for use or offered for sale as a fuel for engines in which the fuel is injected into the combustion chamber and ignited by pressure without electric spark.

(c) A tax is imposed upon the privilege of engaging in the business of selling motor fuel as a retailer or reseller on all motor fuel used in motor vehicles operating on the public highways and recreational type watercraft operating upon the waters of this State: (1) at the rate of 3 cents per gallon on motor fuel owned or possessed by such retailer or reseller at 12:01 a.m. on August 1, 1989; and (2) at the rate of 3 cents per gallon on motor fuel owned or possessed by such retailer or reseller at 12:01 A.M. on January 1, 1990.

Retailers and resellers who are subject to this additional tax shall be required to inventory such motor fuel and pay this additional tax in a manner prescribed by the Department of Revenue.

The tax imposed in this paragraph (c) shall be in addition to all other taxes imposed by the State of Illinois or any unit of local government in this State.

(d) Except as provided in Section 2a, the collection of a tax based on gallonage of gasoline used for the propulsion of any aircraft is prohibited on and after October 1, 1979.

(e) The collection of a tax, based on gallonage of all products commonly or commercially known or sold as 1-K kerosene, regardless of its classification or uses, is prohibited (i) on and after July 1, 1992 until December 31, 1999, except when the 1-K kerosene is either: (1) delivered into bulk storage facilities of a bulk user, or (2) delivered directly into the fuel supply tanks of motor vehicles and (ii) on and after January 1, 2000. Beginning on January 1, 2000, the collection of a tax, based on gallonage of all products commonly or commercially known or sold as 1-K kerosene, regardless of its classification or uses, is prohibited except when the 1-K kerosene is delivered directly into a storage tank that is located at a facility that has withdrawal facilities that are readily accessible to and are capable of dispensing 1-K kerosene into the fuel supply tanks of motor vehicles. For purposes of this subsection (e), a facility is considered to have withdrawal facilities that are not "readily accessible to and capable of dispensing 1-K kerosene into the fuel

supply tanks of motor vehicles" only if the 1-K kerosene is delivered from: (i) a dispenser hose that is short enough so that it will not reach the fuel supply tank of a motor vehicle or (ii) a dispenser that is enclosed by a fence or other physical barrier so that a vehicle cannot pull alongside the dispenser to permit fueling.

Any person who sells or uses 1-K kerosene for use in motor vehicles upon which the tax imposed by this Law has not been paid shall be liable for any tax due on the sales or use of 1-K kerosene.

(Source: P.A. 93-17, eff. 6-11-03.)

(35 ILCS 505/3) (from Ch. 120, par. 419)

Sec. 3. No person shall act as a distributor of motor fuel within this State without first securing a license to act as a distributor of motor fuel from the Department. Application for such license shall be made to the Department upon blanks furnished by it. The application shall be signed and verified, and shall contain such information as the Department deems necessary. A blender shall, in addition to securing a distributor's license, make application to the Department for a blender's permit, setting forth in the application such information as the Department deems necessary. The applicant for a distributor's license shall also file with the Department a bond on a form to be approved by and with a surety or sureties satisfactory to the Department conditioned upon such applicant paying to the State of Illinois all monies becoming due by reason of the sale, export, or use of motor fuel by the applicant, together with all penalties and interest thereon. The Department shall fix the penalty of such bond in each case taking into consideration the amount of motor fuel expected to be sold, distributed, exported, and used by such applicant and the penalty fixed by the Department shall be such, as in its opinion, will protect the State of Illinois against failure to pay the amount hereinafter provided on motor fuel sold, distributed, exported, and used, but the amount of the penalty fixed by the Department shall not exceed twice the monthly amount that would be collectable as a tax in the event of a sale on all the motor fuel sold, distributed, exported, and used by the distributor inclusive of tax-free sales, exports, use, or distribution. Upon receipt of the application and bond in proper form, the Department shall issue to the applicant a license to act as a distributor. No person who is in default to the State for monies due under this Act for the sale, distribution, export, or use of motor fuel shall receive a license to act as a distributor.

A license shall not be granted to any person whose principal place of business is in a state other than Illinois, unless such person is licensed for motor fuel distribution or export in the state in which the principal place of business is located and that such person is not in default to that State for any monies due for the sale, distribution, export, or use of motor fuel.

(Source: P.A. 90-491, eff. 1-1-98; 91-173, eff. 1-1-00.)

(35 ILCS 505/3a) (from Ch. 120, par. 419a)

Sec. 3a. No person, other than a licensed distributor, shall act as a supplier of special fuel within this State without first securing a license to act as a supplier of special fuel from the Department.

Application for such license shall be made to the Department upon blanks furnished by it. The application shall be signed and verified and shall contain such information as the Department deems necessary.

The applicant for a supplier's license shall also file, with the Department, a bond on a form to be approved by and with a surety or sureties satisfactory to the Department, conditioned upon such applicant paying to the State of Illinois all moneys becoming due by reason of the sale or use of special fuel by the applicant, together with all penalties and interest thereon. The Department shall fix the penalty of such bond in each case, taking into consideration the amount of special fuel expected to be sold, distributed, exported, and used by such applicant, and the penalty fixed by the Department shall be such, as in its opinion, will protect the State of Illinois against failure to pay the amount hereinafter provided on special fuel sold, distributed, exported, and used, but the amount of the penalty fixed by the Department shall not exceed twice the monthly amount of tax liability that would be collectable as a tax in the event of a taxable sale on all the special fuel sold, distributed, exported, and used by the supplier inclusive of tax-free sales, use, exports, or distribution.

Upon receipt of the application and bond in proper form, the Department shall issue to the applicant a license to act as a supplier. No person who is in default to the State for moneys due under this Act for the sale, distribution, export, or use of motor fuel shall receive a license to act as a supplier.

A license shall not be granted to any person whose principal place of business is in a state other than Illinois, unless such person is licensed for motor fuel distribution or export in the State in which the principal place of business is located and that other State requires such license and that such person is not in default to that State for any monies due for the sale, distribution, export, or use of motor fuel.

(Source: P.A. 90-491, eff. 1-1-98; 91-173, eff. 1-1-00.)

(35 ILCS 505/5) (from Ch. 120, par. 421)

Sec. 5. Except as hereinafter provided, a person holding a valid unrevoked license to act as a distributor of motor fuel shall, between the 1st and 20th days of each calendar month, make return to the Department, showing an itemized statement of the number of invoiced gallons of motor fuel of the types specified in this Section which were purchased, acquired, ~~or~~ received, or exported during the preceding calendar month; the amount of such motor fuel produced, refined, compounded, manufactured, blended, sold, distributed, exported, and used by the licensed distributor during the preceding calendar month; the amount of such motor fuel lost or destroyed during the preceding calendar month; the amount of such motor fuel on hand at the close of business for such month; and such other reasonable information as the Department may require. If a distributor's only activities with respect to motor fuel are either: (1) production of alcohol in quantities of less than 10,000 proof gallons per year or (2) blending alcohol in quantities of less than 10,000 proof gallons per year which such distributor has produced, he shall file returns on an annual basis with the return for a given year being due by January 20 of the following year. Distributors whose total production of alcohol (whether blended or not) exceeds 10,000 proof gallons per year, based on production during the preceding (calendar) year or as reasonably projected by the Department if one calendar year's record of production cannot be established, shall file returns between the 1st and 20th days of each calendar month as hereinabove provided.

The types of motor fuel referred to in the preceding paragraph are: (A) All products commonly or commercially known or sold as gasoline (including casing-head and absorption or natural gasoline), gasohol, motor benzol or motor benzene regardless of their classification or uses; and (B) all combustible gases which exist in a gaseous state at 60 degrees Fahrenheit and at 14.7 pounds per square inch absolute including, but not limited to, liquefied petroleum gases used for highway purposes; and (C) special fuel. Only those quantities of combustible gases (example (B) above) which are used or sold by the distributor to be used to propel motor vehicles on the public highways, or which are delivered into a storage tank that is located at a facility that has withdrawal facilities which are readily accessible to and are capable of dispensing combustible gases into the fuel supply tanks of motor vehicles, shall be subject to return. For purposes of this Section, a facility is considered to have withdrawal facilities that are not "readily accessible to and capable of dispensing combustible gases into the fuel supply tanks of motor vehicles" only if the combustible gases are delivered from: (i) a dispenser hose that is short enough so that it will not reach the fuel supply tank of a motor vehicle or (ii) a dispenser that is enclosed by a fence or other physical barrier so that a vehicle cannot pull alongside the dispenser to permit fueling. For the purposes of this Act, liquefied petroleum gases shall mean and include any material having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: Propane, Propylene, Butane (normal butane or iso-butane) and Butylene (including isomers).

In case of a sale of special fuel to someone other than a licensed distributor, or a licensed supplier, for a use other than in motor vehicles, the distributor shall show in his return the amount of invoiced gallons sold and the name and address of the purchaser in addition to any other information the Department may require.

All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law.

In case of a tax-free sale, as provided in Section 6, of motor fuel which the distributor is required by this Section to include in his return to the Department, the distributor in his return shall show: (1) If the sale is made to another licensed distributor the amount sold and the name, address and license number of the purchasing distributor; (2) if the sale is made to a person where delivery is made outside of this State the name and address of such purchaser and the point of delivery together with the date and amount delivered; (3) if the sale is made to the Federal Government or its instrumentalities the amount sold; (4) if the sale is made to a municipal corporation owning and operating a local transportation system for public service in this State the name and address of such purchaser, and the amount sold, as evidenced by official forms of exemption certificates properly executed and furnished by such purchaser; (5) if the sale is made to a privately owned public utility owning and operating 2-axle vehicles designed and used for transporting more than 7 passengers, which vehicles are used as common carriers in general transportation of passengers, are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or of any group of contiguous municipalities or in a close radius thereof, and the operations of which are subject to the regulations of the Illinois Commerce Commission, then the name and address of such purchaser and the amount sold as evidenced by official forms of exemption certificates properly executed and furnished by the purchaser; (6) if the product sold is special fuel and if the sale is made to a licensed supplier under conditions which qualify the sale for tax exemption under Section 6 of this Act, the amount sold and the name, address and license number of the purchaser; and (7) if a sale of

special fuel is made to someone other than a licensed distributor, or a licensed supplier, for a use other than in motor vehicles, by making a specific notation thereof on the invoice or sales slip covering such sales and obtaining such supporting documentation as may be required by the Department.

All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law.

A person whose license to act as a distributor of motor fuel has been revoked shall make a return to the Department covering the period from the date of the last return to the date of the revocation of the license, which return shall be delivered to the Department not later than 10 days from the date of the revocation or termination of the license of such distributor; the return shall in all other respects be subject to the same provisions and conditions as returns by distributors licensed under the provisions of this Act.

The records, waybills and supporting documents kept by railroads and other common carriers in the regular course of business shall be prima facie evidence of the contents and receipt of cars or tanks covered by those records, waybills or supporting documents.

If the Department has reason to believe and does believe that the amount shown on the return as purchased, acquired, received, exported, sold, used, lost or destroyed is incorrect, or that an amount of motor fuel of the types required by the second paragraph of this Section to be reported to the Department has not been correctly reported the Department shall fix an amount for such receipt, sales, export, use, loss or destruction according to its best judgment and information, which amount so fixed by the Department shall be prima facie correct. All returns shall be made on forms prepared and furnished by the Department, and shall contain such other information as the Department may reasonably require. The return must be accompanied by appropriate computer-generated magnetic media supporting schedule data in the format required by the Department, unless, as provided by rule, the Department grants an exception upon petition of a taxpayer. All licensed distributors shall report all losses of motor fuel sustained on account of fire, theft, spillage, spoilage, leakage, or any other provable cause when filing the return for the period during which the loss occurred. If the distributor reports losses due to fire or theft, then the distributor must include fire department or police department reports and any other documentation that the Department may require. The mere making of the report does not assure the allowance of the loss as a reduction in tax liability. Losses of motor fuel as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of the month, plus the receipts of gallonage during the month, minus the gallonage remaining in storage at the end of the month. Any loss reported that is in excess of 1% shall be subject to the tax imposed by Section 2 of this Law. On and after July 1, 2001, for each 6-month period January through June, net losses of motor fuel (for each category of motor fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each January, plus the receipts of gallonage each January through June, minus the gallonage remaining in storage at the end of each June. On and after July 1, 2001, for each 6-month period July through December, net losses of motor fuel (for each category of motor fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each July, plus the receipts of gallonage each July through December, minus the gallonage remaining in storage at the end of each December. Any net loss reported that is in excess of this amount shall be subject to the tax imposed by Section 2 of this Law. For purposes of this Section, "net loss" means the number of gallons gained through temperature variations minus the number of gallons lost through temperature variations or evaporation for each of the respective 6-month periods.

(Source: P.A. 91-173, eff. 1-1-00; 92-30, eff. 7-1-01.)

(35 ILCS 505/5a) (from Ch. 120, par. 421a)

Sec. 5a. A person holding a valid unrevoked license to act as a supplier of special fuel shall, between the 1st and 20th days of each calendar month, make return to the Department showing an itemized statement of the number of invoiced gallons of special fuel acquired, received, purchased, sold, exported, or used during the preceding calendar month; the amount of special fuel sold, distributed, exported, and used by the licensed supplier during the preceding calendar month; the amount of special fuel lost or destroyed during the preceding calendar month; the amount of special fuel on hand at the close of business for the preceding calendar month; and such other reasonable information as the Department may require.

A person whose license to act as a supplier of special fuel has been revoked shall make a return to the Department covering the period from the date of the last return to the date of the revocation of the license, which return shall be delivered to the Department not later than 10 days from the date of the revocation or termination of the license of such supplier. The return shall in all other respects be subject to the same provisions and conditions as returns by suppliers licensed under this Act.

The records, waybills and supporting documents kept by railroads and other common carriers in the regular course of business shall be prima facie evidence of the contents and receipt of cars or tanks covered by those records, waybills or supporting documents.

If the Department has reason to believe and does believe that the amount shown on the return as purchased, acquired, received, sold, exported, used, or lost is incorrect, or that an amount of special fuel of the type required by the 1st paragraph of this Section to be reported to the Department by suppliers has not been correctly reported as a purchase, receipt, sale, use, export, or loss the Department shall fix an amount for such purchase, receipt, sale, use, export, or loss according to its best judgment and information, which amount so fixed by the Department shall be prima facie correct. All licensed suppliers shall report all losses of special fuel sustained on account of fire, theft, spillage, spoilage, leakage, or any other provable cause when filing the return for the period during which the loss occurred. If the supplier reports losses due to fire or theft, then the supplier must include fire department or police department reports and any other documentation that the Department may require. The mere making of the report does not assure the allowance of the loss as a reduction in tax liability. Losses of special fuel as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of the month, plus the receipts of gallonage during the month, minus the gallonage remaining in storage at the end of the month.

Any loss reported that is in excess of 1% shall be subject to the tax imposed by Section 2 of this Law. On and after July 1, 2001, for each 6-month period January through June, net losses of special fuel (for each category of special fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each January, plus the receipts of gallonage each January through June, minus the gallonage remaining in storage at the end of each June. On and after July 1, 2001, for each 6-month period July through December, net losses of special fuel (for each category of special fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each July, plus the receipts of gallonage each July through December, minus the gallonage remaining in storage at the end of each December. Any net loss reported that is in excess of this amount shall be subject to the tax imposed by Section 2 of this Law. For purposes of this Section, "net loss" means the number of gallons gained through temperature variations minus the number of gallons lost through temperature variations or evaporation for each of the respective 6-month periods.

In case of a sale of special fuel to someone other than a licensed distributor or licensed supplier for a use other than in motor vehicles, the supplier shall show in his return the amount of invoiced gallons sold and the name and address of the purchaser in addition to any other information the Department may require.

All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law.

All returns shall be made on forms prepared and furnished by the Department and shall contain such other information as the Department may reasonably require. The return must be accompanied by appropriate computer-generated magnetic media supporting schedule data in the format required by the Department, unless, as provided by rule, the Department grants an exception upon petition of a taxpayer.

In case of a tax-free sale, as provided in Section 6a, of special fuel which the supplier is required by this Section to include in his return to the Department, the supplier in his return shall show: (1) If the sale of special fuel is made to the Federal Government or its instrumentalities; (2) if the sale of special fuel is made to a municipal corporation owning and operating a local transportation system for public service in this State, the name and address of such purchaser and the amount sold, as evidenced by official forms of exemption certificates properly executed and furnished by such purchaser; (3) if the sale of special fuel is made to a privately owned public utility owning and operating 2-axle vehicles designed and used for transporting more than 7 passengers, which vehicles are used as common carriers in general transportation of passengers, are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or of any group of contiguous municipalities or in a close radius thereof, and the operations of which are subject to the regulations of the Illinois Commerce Commission, then the name and address of such purchaser and the amount sold, as evidenced by official forms of exemption certificates properly executed and furnished by such purchaser; (4) if the product sold is special fuel and if the sale is made to a licensed supplier or to a licensed distributor under conditions which qualify the sale for tax exemption under Section 6a of this Act, the amount sold and the name, address and license number of such purchaser; (5) if a sale of special fuel is made to a person where delivery is made outside of this State, the name and address of such purchaser and the point of delivery together with the date and amount of invoiced gallons delivered; and (6) if a sale of special fuel is made to someone other than a licensed distributor or a

licensed supplier, for a use other than in motor vehicles, by making a specific notation thereof on the invoice or sales slip covering that sale and obtaining such supporting documentation as may be required by the Department.

All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law.

(Source: P.A. 91-173, eff. 1-1-00; 92-30, eff. 7-1-01.)

(35 ILCS 505/6) (from Ch. 120, par. 422)

Sec. 6. Collection of tax; distributors. A distributor who sells or distributes any motor fuel, which he is required by Section 5 to report to the Department when filing a return, shall (except as hereinafter provided) collect at the time of such sale and distribution, the amount of tax imposed under this Act on all such motor fuel sold and distributed, and at the time of making a return, the distributor shall pay to the Department the amount so collected less a discount of 2% through June 30, 2003 and 1.75% thereafter which is allowed to reimburse the distributor for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request, and shall also pay to the Department an amount equal to the amount that would be collectible as a tax in the event of a sale thereof on all such motor fuel used by said distributor during the period covered by the return. However, no payment shall be made based upon dyed diesel fuel used by the distributor for non-highway purposes. The discount shall only be applicable to the amount of tax payment which accompanies a return which is filed timely in accordance with Section 5 of this Act. In each subsequent sale of motor fuel on which the amount of tax imposed under this Act has been collected as provided in this Section, the amount so collected shall be added to the selling price, so that the amount of tax is paid ultimately by the user of the motor fuel. However, no collection or payment shall be made in the case of the sale or use of any motor fuel to the extent to which such sale or use of motor fuel may not, under the constitution and statutes of the United States, be made the subject of taxation by this State. A person whose license to act as a distributor of fuel has been revoked shall, at the time of making a return, also pay to the Department an amount equal to the amount that would be collectible as a tax in the event of a sale thereof on all motor fuel, which he is required by the second paragraph of Section 5 to report to the Department in making a return, and which he had on hand on the date on which the license was revoked, and with respect to which no tax had been previously paid under this Act.

A distributor may make tax free sales of motor fuel, with respect to which he is otherwise required to collect the tax, ~~when the motor fuel is delivered from a dispensing facility that has withdrawal facilities capable of dispensing motor fuel into the fuel supply tanks of motor vehicles only as specified in the following items 3, 4, and 5. A distributor may make tax free sales of motor fuel, with respect to which he is otherwise required to collect the tax, when the motor fuel is delivered from other facilities only as specified in the following items 1 through 7.~~

1. When the sale is made to a person holding a valid unrevoked license as a distributor, by making a specific notation thereof on invoices or sales slip covering each sale.
2. When the sale is made with delivery to a purchaser outside of this State.
3. When the sale is made to the Federal Government or its instrumentalities.
4. When the sale is made to a municipal corporation owning and operating a local transportation system for public service in this State when an official certificate of exemption is obtained in lieu of the tax.
5. When the sale is made to a privately owned public utility owning and operating 2 axle vehicles designed and used for transporting more than 7 passengers, which vehicles are used as common carriers in general transportation of passengers, are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or of any group of contiguous municipalities, or in a close radius thereof, and the operations of which are subject to the regulations of the Illinois Commerce Commission, when an official certificate of exemption is obtained in lieu of the tax.
6. When a sale of special fuel is made to a person holding a valid, unrevoked license as a supplier, by making a specific notation thereof on the invoice or sales slip covering each such sale.

7. When a sale of dyed diesel special fuel is made to someone other than a licensed distributor or a licensed supplier for non-highway purposes and the fuel is (i) delivered from a vehicle designed for the specific purpose of such sales and delivered directly into a stationary bulk storage tank that displays the notice required by Section 4f of this Act, (ii) delivered from a vehicle designed for the specific purpose of such sales and delivered directly into the fuel supply tanks of non-highway vehicles that are not required to be registered for highway use, or (iii) dispensed from a dyed diesel fuel dispensing facility

that has withdrawal facilities that are not readily accessible to and are not capable of dispensing dyed diesel fuel into the fuel supply tank of a motor vehicle, for a use other than in motor vehicles, by making
 a

A specific notation is required ~~thereof~~ on the invoice or sales slip covering such ~~sales, sale and any obtaining such~~ supporting

documentation ~~that as~~ may be required by the Department must be obtained by the distributor. The distributor shall obtain and keep the supporting documentation in such form as the Department may require by rule.

For purposes of this item 7, a dyed diesel fuel dispensing facility is considered to have withdrawal facilities that are "not readily accessible to and not capable of dispensing dyed diesel fuel into the fuel supply tank of a motor vehicle" only if the dyed diesel fuel is delivered from: (i) a dispenser hose that is short enough so that it will not reach the fuel supply tank of a motor vehicle or (ii) a dispenser that is enclosed by a fence or other physical barrier so that a vehicle cannot pull alongside the dispenser to permit fueling.

8. (Blank).

All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law.

All suits or other proceedings brought for the purpose of recovering any taxes, interest or penalties due the State of Illinois under this Act may be maintained in the name of the Department.

(Source: P.A. 93-32, eff. 6-20-03.)

(35 ILCS 505/6a) (from Ch. 120, par. 422a)

Sec. 6a. Collection of tax; suppliers. A supplier, other than a licensed distributor, who sells or distributes any special fuel, which he is required by Section 5a to report to the Department when filing a return, shall (except as hereinafter provided) collect at the time of such sale and distribution, the amount of tax imposed under this Act on all such special fuel sold and distributed, and at the time of making a return, the supplier shall pay to the Department the amount so collected less a discount of 2% through June 30, 2003 and 1.75% thereafter which is allowed to reimburse the supplier for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request, and shall also pay to the Department an amount equal to the amount that would be collectible as a tax in the event of a sale thereof on all such special fuel used by said supplier during the period covered by the return. However, no payment shall be made based upon dyed diesel fuel used by said supplier for non-highway purposes. The discount shall only be applicable to the amount of tax payment which accompanies a return which is filed timely in accordance with Section 5(a) of this Act. In each subsequent sale of special fuel on which the amount of tax imposed under this Act has been collected as provided in this Section, the amount so collected shall be added to the selling price, so that the amount of tax is paid ultimately by the user of the special fuel. However, no collection or payment shall be made in the case of the sale or use of any special fuel to the extent to which such sale or use of motor fuel may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State.

A person whose license to act as supplier of special fuel has been revoked shall, at the time of making a return, also pay to the Department an amount equal to the amount that would be collectible as a tax in the event of a sale thereof on all special fuel, which he is required by the 1st paragraph of Section 5a to report to the Department in making a return.

A supplier may make tax-free sales of special fuel, with respect to which he is otherwise required to collect the tax, ~~when the motor fuel is delivered from a dispensing facility that has withdrawal facilities capable of dispensing special fuel into the fuel supply tanks of motor vehicles only as specified in the following items 1, 2, and 3. A supplier may make tax free sales of special fuel, with respect to which he is otherwise required to collect the tax, when the special fuel is delivered from other facilities only as specified in the following items 1 through 7.~~

1. When the sale is made to the federal government or its instrumentalities.

2. When the sale is made to a municipal corporation owning and operating a local transportation system for public service in this State when an official certificate of exemption is obtained in lieu of the tax.

3. When the sale is made to a privately owned public utility owning and operating 2 axle vehicles designed and used for transporting more than 7 passengers, which vehicles are used as common carriers in general transportation of passengers, are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or of any group of contiguous municipalities, or in a close radius thereof, and the operations of which are subject to the regulations of

the Illinois Commerce Commission, when an official certificate of exemption is obtained in lieu of the tax.

4. When a sale of ~~special fuel~~ is made to a person holding a valid unrevoked license as a supplier or a distributor by making a specific notation thereof on invoice or sales slip covering each such sale.

5. When a sale of dyed diesel special fuel is made to someone other than a licensed distributor or licensed supplier for non-highway purposes and the fuel is (i) delivered from a vehicle designed for the specific purpose of such sales and delivered directly into a stationary bulk storage tank that displays the notice required by Section 4f of this Act, (ii) delivered from a vehicle designed for the specific purpose of such sales and delivered directly into the fuel supply tanks of non-highway vehicles that are not required to be registered for highway use, or (iii) dispensed from a dyed diesel fuel dispensing facility that has withdrawal facilities that are not readily accessible to and are not capable of dispensing dyed diesel fuel into the fuel supply tank of a motor vehicle, a use other than in motor vehicles, by making a

A specific notation is required thereof on the invoice or sales slip covering such sales, sale and any obtaining such supporting

documentation that as may be required by the Department must be obtained by the supplier. The supplier shall obtain and keep the supporting documentation in such form as the Department may require by rule.

For purposes of this item 5, a dyed diesel fuel dispensing facility is considered to have withdrawal facilities that are "not readily accessible to and not capable of dispensing dyed diesel fuel into the fuel supply tank of a motor vehicle" only if the dyed diesel fuel is delivered from: (i) a dispenser hose that is short enough so that it will not reach the fuel supply tank of a motor vehicle or (ii) a dispenser that is enclosed by a fence or other physical barrier so that a vehicle cannot pull alongside the dispenser to permit fueling.

6. (Blank).

7. When a sale of special fuel is made to a person where delivery is made outside of this State.

All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law.

All suits or other proceedings brought for the purpose of recovering any taxes, interest or penalties due the State of Illinois under this Act may be maintained in the name of the Department.

(Source: P.A. 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

(35 ILCS 505/8) (from Ch. 120, par. 424)

Sec. 8. Except as provided in Section 8a, subdivision (h)(1) of Section 12a, Section 13a.6, and items 13, 14, 15, and 16 of Section 15, all money received by the Department under this Act, including payments made to the Department by member jurisdictions participating in the International Fuel Tax Agreement, shall be deposited in a special fund in the State treasury, to be known as the "Motor Fuel Tax Fund", and shall be used as follows:

(a) 2 1/2 cents per gallon of the tax collected on special fuel under paragraph (b) of Section 2 and Section 13a of this Act shall be transferred to the State Construction Account Fund in the State Treasury;

(b) \$420,000 shall be transferred each month to the State Boating Act Fund to be used by the Department of Natural Resources for the purposes specified in Article X of the Boat Registration and Safety Act;

(c) \$3,500,000 shall be transferred each month to the Grade Crossing Protection Fund to be used as follows: not less than \$12,000,000 each fiscal year shall be used for the construction or reconstruction of rail highway grade separation structures; \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in fiscal year 2010 and each fiscal year thereafter shall be transferred to the Transportation Regulatory Fund and shall be accounted for as part of the rail carrier portion of such funds and shall be used to pay the cost of administration of the Illinois Commerce Commission's railroad safety program in connection with its duties under subsection (3) of Section 18c-7401 of the Illinois Vehicle Code, with the remainder to be used by the Department of Transportation upon order of the Illinois Commerce Commission, to pay that part of the cost apportioned by such Commission to the State to cover the interest of the public in the use of highways, roads, streets, or pedestrian walkways in the county highway system, township and district road system, or municipal street system as defined in the Illinois Highway Code, as the same may from time to time be amended, for separation of grades, for installation, construction or reconstruction of crossing protection or reconstruction, alteration, relocation including construction or improvement of any existing highway necessary for access to property or improvement of any grade crossing and grade crossing surface including the necessary highway approaches thereto of any railroad across the highway or public road, or for the installation, construction, reconstruction, or maintenance of a pedestrian walkway over or under a railroad right-of-way, as provided for in and in accordance with Section 18c-7401 of the Illinois Vehicle

Code. The Commission may order up to \$2,000,000 per year in Grade Crossing Protection Fund moneys for the improvement of grade crossing surfaces and up to \$300,000 per year for the maintenance and renewal of 4-quadrant gate vehicle detection systems located at non-high speed rail grade crossings. The Commission shall not order more than \$2,000,000 per year in Grade Crossing Protection Fund moneys for pedestrian walkways. In entering orders for projects for which payments from the Grade Crossing Protection Fund will be made, the Commission shall account for expenditures authorized by the orders on a cash rather than an accrual basis. For purposes of this requirement an "accrual basis" assumes that the total cost of the project is expended in the fiscal year in which the order is entered, while a "cash basis" allocates the cost of the project among fiscal years as expenditures are actually made. To meet the requirements of this subsection, the Illinois Commerce Commission shall develop annual and 5-year project plans of rail crossing capital improvements that will be paid for with moneys from the Grade Crossing Protection Fund. The annual project plan shall identify projects for the succeeding fiscal year and the 5-year project plan shall identify projects for the 5 directly succeeding fiscal years. The Commission shall submit the annual and 5-year project plans for this Fund to the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives on the first Wednesday in April of each year;

(d) of the amount remaining after allocations provided for in subsections (a), (b) and (c), a sufficient amount shall be reserved to pay all of the following:

(1) the costs of the Department of Revenue in administering this Act;

(2) the costs of the Department of Transportation in performing its duties imposed by the Illinois Highway Code for supervising the use of motor fuel tax funds apportioned to municipalities, counties and road districts;

(3) refunds provided for in Section 13 of this Act, refunds for overpayment of decal fees paid under Section 13a.4 of this Act, and refunds provided for under the terms of the International Fuel Tax Agreement referenced in Section 14a;

(4) from October 1, 1985 until June 30, 1994, the administration of the Vehicle Emissions Inspection Law, which amount shall be certified monthly by the Environmental Protection Agency to the State Comptroller and shall promptly be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund to the Vehicle Inspection Fund, and for the period July 1, 1994 through June 30, 2000, one-twelfth of \$25,000,000 each month, for the period July 1, 2000 through June 30, 2003, one-twelfth of \$30,000,000 each month, and \$15,000,000 on July 1, 2003, and \$15,000,000 on January 1, 2004, and \$15,000,000 on each July 1 and October 1, or as soon thereafter as may be practical, during the period July 1, 2004 through June 30, 2010, for the administration of the Vehicle Emissions Inspection Law of 2005, to be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund into the Vehicle Inspection Fund;

(5) amounts ordered paid by the Court of Claims; and

(6) payment of motor fuel use taxes due to member jurisdictions under the terms of the International Fuel Tax Agreement. The Department shall certify these amounts to the Comptroller by the 15th day of each month; the Comptroller shall cause orders to be drawn for such amounts, and the Treasurer shall administer those amounts on or before the last day of each month;

(e) after allocations for the purposes set forth in subsections (a), (b), (c) and (d), the remaining amount shall be apportioned as follows:

(1) Until January 1, 2000, 58.4%, and beginning January 1, 2000, 45.6% shall be deposited as follows:

(A) 37% into the State Construction Account Fund, and

(B) 63% into the Road Fund, \$1,250,000 of which shall be reserved each month for the Department of Transportation to be used in accordance with the provisions of Sections 6-901 through 6-906 of the Illinois Highway Code;

(2) Until January 1, 2000, 41.6%, and beginning January 1, 2000, 54.4% shall be transferred to the Department of Transportation to be distributed as follows:

(A) 49.10% to the municipalities of the State,

(B) 16.74% to the counties of the State having 1,000,000 or more inhabitants,

(C) 18.27% to the counties of the State having less than 1,000,000 inhabitants,

(D) 15.89% to the road districts of the State.

As soon as may be after the first day of each month the Department of Transportation shall allot to each municipality its share of the amount apportioned to the several municipalities which shall be in proportion to the population of such municipalities as determined by the last preceding municipal census if conducted

by the Federal Government or Federal census. If territory is annexed to any municipality subsequent to the time of the last preceding census the corporate authorities of such municipality may cause a census to be taken of such annexed territory and the population so ascertained for such territory shall be added to the population of the municipality as determined by the last preceding census for the purpose of determining the allotment for that municipality. If the population of any municipality was not determined by the last Federal census preceding any apportionment, the apportionment to such municipality shall be in accordance with any census taken by such municipality. Any municipal census used in accordance with this Section shall be certified to the Department of Transportation by the clerk of such municipality, and the accuracy thereof shall be subject to approval of the Department which may make such corrections as it ascertains to be necessary.

As soon as may be after the first day of each month the Department of Transportation shall allot to each county its share of the amount apportioned to the several counties of the State as herein provided. Each allotment to the several counties having less than 1,000,000 inhabitants shall be in proportion to the amount of motor vehicle license fees received from the residents of such counties, respectively, during the preceding calendar year. The Secretary of State shall, on or before April 15 of each year, transmit to the Department of Transportation a full and complete report showing the amount of motor vehicle license fees received from the residents of each county, respectively, during the preceding calendar year. The Department of Transportation shall, each month, use for allotment purposes the last such report received from the Secretary of State.

As soon as may be after the first day of each month, the Department of Transportation shall allot to the several counties their share of the amount apportioned for the use of road districts. The allotment shall be apportioned among the several counties in the State in the proportion which the total mileage of township or district roads in the respective counties bears to the total mileage of all township and district roads in the State. Funds allotted to the respective counties for the use of road districts therein shall be allocated to the several road districts in the county in the proportion which the total mileage of such township or district roads in the respective road districts bears to the total mileage of all such township or district roads in the county. After July 1 of any year, no allocation shall be made for any road district unless it levied a tax for road and bridge purposes in an amount which will require the extension of such tax against the taxable property in any such road district at a rate of not less than either .08% of the value thereof, based upon the assessment for the year immediately prior to the year in which such tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less. If any road district has levied a special tax for road purposes pursuant to Sections 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such tax was levied in an amount which would require extension at a rate of not less than .08% of the value of the taxable property thereof, as equalized or assessed by the Department of Revenue, or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less, such levy shall, however, be deemed a proper compliance with this Section and shall qualify such road district for an allotment under this Section. If a township has transferred to the road and bridge fund money which, when added to the amount of any tax levy of the road district would be the equivalent of a tax levy requiring extension at a rate of at least .08%, or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less, such transfer, together with any such tax levy, shall be deemed a proper compliance with this Section and shall qualify the road district for an allotment under this Section.

In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law, road districts may retain their entitlement to a motor fuel tax allotment if, at the time the property tax extension limitation was imposed, the road district was levying a road and bridge tax at a rate sufficient to entitle it to a motor fuel tax allotment and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. Any road district may in all circumstances retain its entitlement to a motor fuel tax allotment if it levied a road and bridge tax in an amount that will require the extension of the tax against the taxable property in the road district at a rate of not less than 0.08% of the assessed value of the property, based upon the assessment for the year immediately preceding the year in which the tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less.

As used in this Section the term "road district" means any road district, including a county unit road district, provided for by the Illinois Highway Code; and the term "township or district road" means any road in the township and district road system as defined in the Illinois Highway Code. For the purposes of

this Section, "road district" also includes park districts, forest preserve districts and conservation districts organized under Illinois law and "township or district road" also includes such roads as are maintained by park districts, forest preserve districts and conservation districts. The Department of Transportation shall determine the mileage of all township and district roads for the purposes of making allotments and allocations of motor fuel tax funds for use in road districts.

Payment of motor fuel tax moneys to municipalities and counties shall be made as soon as possible after the allotment is made. The treasurer of the municipality or county may invest these funds until their use is required and the interest earned by these investments shall be limited to the same uses as the principal funds.

(Source: P.A. 95-744, eff. 7-18-08; 96-34, eff. 7-13-09; 96-45, eff. 7-15-09; revised 11-3-09.)

(35 ILCS 505/13) (from Ch. 120, par. 429)

Sec. 13. Refund of tax paid. Any person other than a distributor or supplier, who loses motor fuel through any cause or uses motor fuel (upon which he has paid the amount required to be collected under Section 2 of this Act) for any purpose other than operating a motor vehicle upon the public highways or waters, shall be reimbursed and repaid the amount so paid.

Any person who purchases motor fuel in Illinois and uses that motor fuel in another state and that other state imposes a tax on the use of such motor fuel shall be reimbursed and repaid the amount of Illinois tax paid under Section 2 of this Act on the motor fuel used in such other state. Reimbursement and repayment shall be made by the Department upon receipt of adequate proof of taxes directly paid to another state and the amount of motor fuel used in that state.

Claims based in whole or in part on taxes paid to another state shall include (i) a certified copy of the tax return filed with such other state by the claimant; (ii) a copy of either the cancelled check paying the tax due on such return, or a receipt acknowledging payment of the tax due on such tax return; and (iii) such other information as the Department may reasonably require. This paragraph shall not apply to taxes paid on returns filed under Section 13a.3 of this Act.

Any person who purchases motor fuel use tax decals as required by Section 13a.4 and pays an amount of fees for such decals that exceeds the amount due shall be reimbursed and repaid the amount of the decal fees that are deemed by the department to be in excess of the amount due.

Claims for such reimbursement must be made to the Department of Revenue, duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim must state such facts relating to the purchase, importation, manufacture or production of the motor fuel by the claimant as the Department may deem necessary, and the time when, and the circumstances of its loss or the specific purpose for which it was used (as the case may be), together with such other information as the Department may reasonably require. No claim based upon idle time shall be allowed. Claims for reimbursement for overpayment of decal fees shall be made to the Department of Revenue, duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim shall state facts relating to the overpayment of decal fees, together with such other information as the Department may reasonably require. Claims for reimbursement of overpayment of decal fees paid on or after January 1, 2011 must be filed not later than one year after the date on which the fees were paid by the claimant. If it is determined that the Department should reimburse a claimant for overpayment of decal fees, the Department shall first apply the amount of such refund against against any tax or penalty or interest due by the claimant under Section 13a of this Act.

Claims for full reimbursement for taxes paid on or before December 31, 1999 must be filed not later than one year after the date on which the tax was paid by the claimant. If, however, a claim for such reimbursement otherwise meeting the requirements of this Section is filed more than one year but less than 2 years after that date, the claimant shall be reimbursed at the rate of 80% of the amount to which he would have been entitled if his claim had been timely filed.

Claims for full reimbursement for taxes paid on or after January 1, 2000 must be filed not later than 2 years after the date on which the tax was paid by the claimant.

The Department may make such investigation of the correctness of the facts stated in such claims as it deems necessary. When the Department has approved any such claim, it shall pay to the claimant (or to the claimant's legal representative, as such if the claimant has died or become a person under legal disability) the reimbursement provided in this Section, out of any moneys appropriated to it for that purpose.

Any distributor or supplier who has paid the tax imposed by Section 2 of this Act upon motor fuel lost or used by such distributor or supplier for any purpose other than operating a motor vehicle upon the public highways or waters may file a claim for credit or refund to recover the amount so paid. Such claims shall be

filed on forms prescribed by the Department. Such claims shall be made to the Department, duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim shall state such facts relating to the purchase, importation, manufacture or production of the motor fuel by the claimant as the Department may deem necessary and the time when the loss or nontaxable use occurred, and the circumstances of its loss or the specific purpose for which it was used (as the case may be), together with such other information as the Department may reasonably require. Claims must be filed not later than one year after the date on which the tax was paid by the claimant.

The Department may make such investigation of the correctness of the facts stated in such claims as it deems necessary. When the Department approves a claim, the Department shall issue a refund or credit memorandum as requested by the taxpayer, to the distributor or supplier who made the payment for which the refund or credit is being given or, if the distributor or supplier has died or become incompetent, to such distributor's or supplier's legal representative, as such. The amount of such credit memorandum shall be credited against any tax due or to become due under this Act from the distributor or supplier who made the payment for which credit has been given.

Any credit or refund that is allowed under this Section shall bear interest at the rate and in the manner specified in the Uniform Penalty and Interest Act.

In case the distributor or supplier requests and the Department determines that the claimant is entitled to a refund, such refund shall be made only from such appropriation as may be available for that purpose. If it appears unlikely that the amount appropriated would permit everyone having a claim allowed during the period covered by such appropriation to elect to receive a cash refund, the Department, by rule or regulation, shall provide for the payment of refunds in hardship cases and shall define what types of cases qualify as hardship cases.

In any case in which there has been an erroneous refund of tax or fees payable under this Section, a notice of tax liability may be issued at any time within 3 years from the making of that refund, or within 5 years from the making of that refund if it appears that any part of the refund was induced by fraud or the misrepresentation of material fact. The amount of any proposed assessment set forth by the Department shall be limited to the amount of the erroneous refund.

If no tax is due and no proceeding is pending to determine whether such distributor or supplier is indebted to the Department for tax, the credit memorandum so issued may be assigned and set over by the lawful holder thereof, subject to reasonable rules of the Department, to any other licensed distributor or supplier who is subject to this Act, and the amount thereof applied by the Department against any tax due or to become due under this Act from such assignee.

If the payment for which the distributor's or supplier's claim is filed is held in the protest fund of the State Treasury during the pendency of the claim for credit proceedings pursuant to the order of the court in accordance with Section 2a of the State Officers and Employees Money Disposition Act and if it is determined by the Department or by the final order of a reviewing court under the Administrative Review Law that the claimant is entitled to all or a part of the credit claimed, the claimant, instead of receiving a credit memorandum from the Department, shall receive a cash refund from the protest fund as provided for in Section 2a of the State Officers and Employees Money Disposition Act.

If any person ceases to be licensed as a distributor or supplier while still holding an unused credit memorandum issued under this Act, such person may, at his election (instead of assigning the credit memorandum to a licensed distributor or licensed supplier under this Act), surrender such unused credit memorandum to the Department and receive a refund of the amount to which such person is entitled.

For claims based upon taxes paid on or before December 31, 2000, a claim based upon the use of undyed diesel fuel shall not be allowed except (i) if allowed under the following paragraph or (ii) for undyed diesel fuel used by a commercial vehicle, as that term is defined in Section 1-111.8 of the Illinois Vehicle Code, for any purpose other than operating the commercial vehicle upon the public highways and unlicensed commercial vehicles operating on private property. Claims shall be limited to commercial vehicles that are operated for both highway purposes and any purposes other than operating such vehicles upon the public highways.

For claims based upon taxes paid on or after January 1, 2000, a claim based upon the use of undyed diesel fuel shall not be allowed except (i) if allowed under the preceding paragraph or (ii) for claims for the following:

- (1) Undyed diesel fuel used (i) in a manufacturing process, as defined in Section 2-45 of the Retailers' Occupation Tax Act, wherein the undyed diesel fuel becomes a component part of a product or by-product, other than fuel or motor fuel, when the use of dyed diesel fuel in that

manufacturing process results in a product that is unsuitable for its intended use or (ii) for testing machinery and equipment in a manufacturing process, as defined in Section 2-45 of the Retailers' Occupation Tax Act, wherein the testing takes place on private property.

(2) Undyed diesel fuel used by a manufacturer on private property in the research and development, as defined in Section 1.29, of machinery or equipment intended for manufacture.

(3) Undyed diesel fuel used by a single unit self-propelled agricultural fertilizer implement, designed for on and off road use, equipped with flotation tires and specially adapted for the application of plant food materials or agricultural chemicals.

(4) Undyed diesel fuel used by a commercial motor vehicle for any purpose other than operating the commercial motor vehicle upon the public highways. Claims shall be limited to commercial motor vehicles that are operated for both highway purposes and any purposes other than operating such vehicles upon the public highways.

(5) Undyed diesel fuel used by a unit of local government in its operation of an airport if the undyed diesel fuel is used directly in airport operations on airport property.

(6) Undyed diesel fuel used by refrigeration units that are permanently mounted to a semitrailer, as defined in Section 1.28 of this Law, wherein the refrigeration units have a fuel supply system dedicated solely for the operation of the refrigeration units.

(7) Undyed diesel fuel used by power take-off equipment as defined in Section 1.27 of this Law.

(8) Beginning on the effective date of this amendatory Act of the 94th General Assembly, undyed diesel fuel used by tugs and spotter equipment to shift vehicles or parcels on both private and airport property. Any claim under this item (8) may be made only by a claimant that owns tugs and spotter equipment and operates that equipment on both private and airport property. The aggregate of all credits or refunds resulting from claims filed under this item (8) by a claimant in any calendar year may not exceed \$100,000. A claim may not be made under this item (8) by the same claimant more often than once each quarter. For the purposes of this item (8), "tug" means a vehicle designed for use on airport property that shifts custom-designed containers of parcels from loading docks to aircraft, and "spotter equipment" means a vehicle designed for use on both private and airport property that shifts trailers containing parcels between staging areas and loading docks.

Any person who has paid the tax imposed by Section 2 of this Law upon undyed diesel fuel that is unintentionally mixed with dyed diesel fuel and who owns or controls the mixture of undyed diesel fuel and dyed diesel fuel may file a claim for refund to recover the amount paid. The amount of undyed diesel fuel unintentionally mixed must equal 500 gallons or more. Any claim for refund of unintentionally mixed undyed diesel fuel and dyed diesel fuel shall be supported by documentation showing the date and location of the unintentional mixing, the number of gallons involved, the disposition of the mixed diesel fuel, and any other information that the Department may reasonably require. Any unintentional mixture of undyed diesel fuel and dyed diesel fuel shall be sold or used only for non-highway purposes.

The Department shall promulgate regulations establishing specific limits on the amount of undyed diesel fuel that may be claimed for refund.

For purposes of claims for refund, "loss" means the reduction of motor fuel resulting from fire, theft, spillage, spoilage, leakage, or any other provable cause, but does not include a reduction resulting from evaporation, or shrinkage due to temperature variations. In the case of losses due to fire or theft, the claimant must include fire department or police department reports and any other documentation that the Department may require.

(Source: P.A. 94-654, eff. 8-22-05.)

(35 ILCS 505/13a.4) (from Ch. 120, par. 429a4)

Sec. 13a.4. Except as provided in Section 13a.5 of this Act, no motor carrier shall operate in Illinois without first securing a motor fuel use tax license and decals from the Department or a motor fuel use tax license and decals issued under the International Fuel Tax Agreement by any member jurisdiction. Notwithstanding any other provision of this Section to the contrary, however, the Director of Revenue or his designee may, upon determining that a disaster exists in Illinois or in any other state, temporarily waive the licensing requirements of this Section for commercial motor vehicles that travel through Illinois, or return to Illinois from a point outside Illinois, for the purpose of assisting in disaster relief efforts. Temporary waiver of the licensing requirements of this Section shall not exceed a period of 30 days from the date the Director temporarily waives the licensing requirements of this Section. For purposes of this Section, a disaster includes flood, tornado, hurricane, fire, earthquake, or any other disaster that causes or threatens loss of life or destruction or damage to property of such a magnitude as to endanger the public

health, safety, and welfare. The licensing requirements of this Section shall be temporarily waived only if the operator of the commercial motor vehicle can provide proof by manifest that the commercial motor vehicle is traveling through Illinois or returning to Illinois from a point outside Illinois for purposes of assisting in disaster relief efforts. Application for such license and decals shall be made annually to the Department on forms prescribed by the Department. The application shall be under oath, and shall contain such information as the Department deems necessary. The Department, for cause, may require an applicant to post a bond on a form to be approved by and with a surety or sureties satisfactory to the Department conditioned upon such applicant paying to the State of Illinois all monies becoming due by reason of the sale or use of motor fuel by the applicant, together with all penalties and interest thereon. If a bond is required, it shall be equal to at least twice the estimated average tax liability of a quarterly return. The Department shall fix the penalty of such bond in each case taking into consideration the amount of motor fuel expected to be used by such applicant and the penalty fixed by the Department shall be such as, in its opinion, will protect the State of Illinois against failure to pay the amount hereinafter provided on motor fuel used. No person who is in default to the State for monies due under this Act for the sale, distribution or use of motor fuel shall receive such a license or decal.

Upon receipt of the application for license in proper form, and upon payment of any required \$100 reinstatement fee, and upon approval by the Department of the bond furnished by the applicant, the Department may issue to such applicant a license which allows the operation of commercial motor vehicles in Illinois, and decals for each commercial motor vehicle operating in Illinois. Prior to January 1, 1985, motor fuel use tax licenses shall be conspicuously displayed in the cab of each commercial motor vehicle operating in Illinois. After January 1, 1986, motor fuel use tax licenses shall be carried in the cab of each commercial motor vehicle operating in Illinois.

The Department shall, by regulation, provide for the use of reproductions of original motor fuel use tax licenses in lieu of issuing multiple original motor fuel use tax licenses to licensees.

On and after January 1, 1985, external motor fuel tax decals shall be conspicuously displayed on the passenger side of each commercial motor vehicle propelled by motor fuel operating in Illinois, except buses, which may display such devices on the driver's side of the vehicle. Beginning with the effective date of this amendatory Act of 1993 or the membership of the State of Illinois in the International Fuel Tax Agreement, whichever is later, the decals issued to the licensee shall be placed on both exterior sides of the cab. In the case of transporters, manufacturers, dealers, or driveway operations, the decals need not be permanently affixed but may be temporarily displayed in a visible manner on the exterior sides of the cab. Failure to display the decals in the required locations may subject the vehicle operator to the purchase of a trip permit and a citation. Such motor fuel tax decals shall be issued by the Department and remain valid for a period of 2 calendar years, beginning January 1, 1985. The decals shall expire at the end of the regular 2 year issuance period, with new decals required to be displayed at that time. Beginning January 1, 1993, the motor fuel decals shall be issued by the Department and remain valid for a period of one calendar year. The decals shall expire at the end of the regular one year issuance period, with new decals required to be displayed at that time. Decals shall be no larger than 3 inches by 3 inches. Prior to January 1, 1993, a fee of \$7.50 shall be charged by the Department for each decal issued prior to and during the 2 calendar years such decal is valid. Beginning January 1, 1993, a fee of \$3.75 shall be charged by the Department for each decal issued prior to and during the calendar year such decal is valid. Beginning January 1, 1994, \$3.75 shall be charged for a set of 2 decals. The Department may also prescribe procedures for the issuance of replacement decals, with a maximum fee of \$2 for each set of replacement decals issued. The transfer of decals from one vehicle to another vehicle or from one motor carrier to another motor carrier is prohibited. The fees paid for the decals issued under this Section shall be deposited in the Motor Fuel Tax Fund, and may be appropriated to the Department for administration of this Section and enforcement of the tax imposed by Section 13a of this Act.

To avoid duplicate reporting of mileage and payment of any tax arising therefrom under Section 13a.3 of this Act, the Department shall, by regulation, provide for the allocation between lessors and lessees of the same commercial motor vehicle or vehicles of the responsibility as a motor carrier for the reporting of mileage and the liability for tax arising under Section 13a.3 of this Act, and for registration, furnishing of bond, carrying of motor fuel use tax licenses, and display of decals under this Section, and for all other duties imposed upon motor carriers by this Act.

(Source: P.A. 94-1074, eff. 12-26-06.)

(35 ILCS 505/13a.5) (from Ch. 120, par. 429a5)

Sec. 13a.5. As to a commercial motor vehicle operated in Illinois in the course of interstate traffic by a motor carrier not holding a motor fuel use tax license issued under this Act, a single trip permit authorizing

operation of such commercial motor vehicle for a single trip into the State of Illinois, through the State of Illinois, or from a point on the border of this State to a point within and return to the border may be issued by the Department or its agents after proper application. The fee for each single trip permit shall be ~~\$40~~ \$20 and such single trip permit shall be valid for a period of ~~96~~ 72 hours. This fee shall be in lieu of the tax required by Section 13a of this Act, all reports required by Section 13a.3 of this Act, and the registration, decal display and furnishing of bond required by Section 13a.4 of this Act. Notwithstanding any other provision of this Section to the contrary, however, the Director of Revenue or his designee may, upon determining that a disaster exists in Illinois or in any other state, temporarily waive the permit provisions of this Section for commercial motor vehicles that travel into the State of Illinois, through Illinois, or return to Illinois from a point outside Illinois, for the purpose of assisting in disaster relief efforts. Temporary waiver of the permit provisions of this Section shall not exceed a period of 30 days from the date the Director waives the permit provisions of this Section. For purposes of this Section, a disaster includes flood, tornado, hurricane, fire, earthquake, or any other disaster that causes or threatens loss of life or destruction or damage to property of such a magnitude as to endanger the public health, safety, and welfare. The permit provisions of this Section shall be temporarily waived only if the operator of the commercial motor vehicle can provide proof by manifest that the commercial motor vehicle is traveling through Illinois or returning to Illinois from a point outside Illinois for purposes of assisting in disaster relief efforts. Rules or regulations promulgated by the Department under this Section shall provide for reasonable and proper limitations and restrictions governing application for and issuance and use of, single trip permits, so as to preclude evasion of the license requirement in Section 13a.4.

(Source: P.A. 94-1074, eff. 12-26-06.)

(35 ILCS 505/15) (from Ch. 120, par. 431)

Sec. 15. 1. Any person who knowingly acts as a distributor of motor fuel or supplier of special fuel, or receiver of fuel without having a license so to do, or who knowingly fails or refuses to file a return with the Department as provided in Section 2b, Section 5, or Section 5a of this Act, or who knowingly fails or refuses to make payment to the Department as provided either in Section 2b, Section 6, Section 6a, or Section 7 of this Act, shall be guilty of a Class 3 felony. Each day any person knowingly acts as a distributor of motor fuel, supplier of special fuel, or receiver of fuel without having a license so to do or after such a license has been revoked, constitutes a separate offense.

2. Any person who acts as a motor carrier without having a valid motor fuel use tax license, issued by the Department or by a member jurisdiction under the provisions of the International Fuel Tax Agreement, or a valid single trip permit is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for each subsequent offense. Any person (i) who fails or refuses to make payment to the Department as provided in Section 13a.1 of this Act or in the International Fuel Tax Agreement referenced in Section 14a, or (ii) who fails or refuses to make the quarterly return as provided in Section 13a.3 is guilty of a Class 4 felony; and for each subsequent offense, such person is guilty of a Class 3 felony.

3. In case such person acting as a distributor, receiver, supplier, or motor carrier is a corporation, then the officer or officers, agent or agents, employee or employees, of such corporation responsible for any act of such corporation, or failure of such corporation to act, which acts or failure to act constitutes a violation of any of the provisions of this Act as enumerated in paragraphs 1 and 2 of this Section, shall be punished by such fine or imprisonment, or by both such fine and imprisonment as provided in those paragraphs.

3.5. Any person who knowingly enters false information on any supporting documentation required to be kept by Section 6 or 6a of this Act is guilty of a Class 3 felony.

3.7. Any person who knowingly attempts in any manner to evade or defeat any tax imposed by this Act or the payment of any tax imposed by this Act is guilty of a Class 2 felony.

4. Any person who refuses, upon demand, to submit for inspection, books and records, or who fails or refuses to keep books and records in violation of Section 12 of this Act, or any distributor, receiver, or supplier who violates any reasonable rule or regulation adopted by the Department for the enforcement of this Act is guilty of a Class A misdemeanor. Any person who acts as a blender in violation of Section 3 of this Act or who having transported reportable motor fuel within Section 7b of this Act fails to make the return required by that Section, is guilty of a Class 4 felony.

5. Any person licensed under Section 13a.4, 13a.5, or the International Fuel Tax Agreement who: (a) fails or refuses to keep records and books, as provided in Section 13a.2 or as required by the terms of the International Fuel Tax Agreement, (b) refuses upon demand by the Department to submit for inspection and examination the records required by Section 13a.2 of this Act or by the terms of the International Fuel Tax Agreement, or (c) violates any reasonable rule or regulation adopted by the Department for the enforcement of this Act, is guilty of a Class A misdemeanor.

6. Any person who makes any false return or report to the Department as to any material fact required by Sections 2b, 5, 5a, 7, 13, or 13a.3 of this Act or by the International Fuel Tax Agreement is guilty of a Class 2 felony.

7. A prosecution for any violation of this Section may be commenced anytime within 5 years of the commission of that violation. A prosecution for tax evasion as set forth in paragraph 3.7 of this Section may be prosecuted any time within 5 years of the commission of the last act in furtherance of evasion. The running of the period of limitations under this Section shall be suspended while any proceeding or appeal from any proceeding relating to the quashing or enforcement of any grand jury or administrative subpoena issued in connection with an investigation of the violation of any provision of this Act is pending.

8. Any person who provides false documentation required by any Section of this Act is guilty of a Class 4 felony.

9. Any person filing a fraudulent application or order form under any provision of this Act is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

10. Any person who acts as a motor carrier and who fails to carry a manifest as provided in Section 5.5 is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

11. Any person who knowingly sells or attempts to sell dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State is guilty of a Class 4 felony. For each subsequent offense, the person is guilty of a Class 2 felony.

12. Any person who knowingly possesses dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

13. Any person who sells or transports dyed diesel fuel without the notice required by Section 4e shall pay the following penalty:

First occurrence.....	\$ 500
Second and each occurrence thereafter.....	\$1,000

14. Any person who owns, operates, or controls any container, storage tank, or facility used to store or distribute dyed diesel fuel without the notice required by Section 4f shall pay the following penalty:

First occurrence.....	\$ 500
Second and each occurrence thereafter.....	\$1,000

15. If a motor vehicle required to be registered for highway purposes is found to have dyed diesel fuel within the ordinary fuel tanks attached to the motor vehicle or if a recreational-type watercraft on the waters of this State is found to have dyed diesel fuel within the ordinary fuel tanks attached to the watercraft, the operator shall pay the following penalty:

First occurrence.....	\$1,000 \$2,500
Second and each occurrence thereafter.....	\$5,000

16. Any licensed motor fuel distributor or licensed supplier who sells or attempts to sell dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State shall pay the following penalty:

First occurrence.....	\$1,000 \$ 5,000
Second and each occurrence thereafter.....	\$5,000 \$10,000

17. Any person who knowingly sells or distributes dyed diesel fuel without the notice required by Section 4e is guilty of a petty offense. For each subsequent offense, the person is guilty of a Class A misdemeanor.

18. Any person who knowingly owns, operates, or controls any container, storage tank, or facility used to store or distribute dyed diesel fuel without the notice required by Section 4f is guilty of a petty offense. For each subsequent offense the person is guilty of a Class A misdemeanor.

For purposes of this Section, dyed diesel fuel means any dyed diesel fuel whether or not dyed pursuant to Section 4d of this Law.

Any person aggrieved by any action of the Department under item 13, 14, 15, or 16 of this Section may protest the action by making a written request for a hearing within 60 days of the original action. If the hearing is not requested in writing within 60 days, the original action is final.

All penalties received under items 13, 14, 15, and 16 of this Section shall be deposited into the Tax Compliance and Administration Fund.

(Source: P.A. 94-1074, eff. 12-26-06.)

(35 ILCS 505/17a new)

Sec. 17a. Forms; electronic filing. All returns, applications, and other forms required by this Act must be in the form required by the Department. The Department is authorized to adopt rules to require the

electronic payment of tax or fees under this Act, and the electronic filing of returns, applications or other forms required by this Act.

Section 10. The Environmental Impact Fee Law is amended by changing Section 325 as follows:

(415 ILCS 125/325)

(Section scheduled to be repealed on January 1, 2025)

Sec. 325. Incorporation of other Acts. The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10 and 12 (except to the extent to which the minimum notice requirement for hearings conflicts with that provided for in Section 16 of the Motor Fuel Tax Law), of the Retailers' Occupation Tax Act that are not inconsistent with this Act, and Section 3-7 of the Uniform Penalty and Interest Act shall apply as far as practicable, to the subject matter of this Law to the same extent as if those provisions were included in this Law.

In addition, Sections 2d, 12, 12a, 13a.8, 14, 15, 16, 17, 17a, and 18 of the Motor Fuel Tax Law shall apply as far as practicable, to the subject matter of this Law to the same extent as if those provisions were included in this Law.

References to "taxes" in these incorporated Sections shall be construed to apply to the administration, payment, and remittance of all fees under this Law.

(Source: P.A. 95-264, eff. 8-17-07.)

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 6022 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 6030

A bill for AN ACT concerning finance.

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

Senate Amendment No. 1 to HOUSE BILL NO. 6030

Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 6030 as follows:

on page 2, line 1, by deleting "and"; and

on page 2, line 3, by replacing "products." with "products; and"; and

on page 2, immediately below line 3, by inserting the following:

"(5) developing, expanding, or retooling a manufacturing facility to produce renewable energy or energy efficiency products or components."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 6030 was placed on the Calendar on the order of Concurrence.

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 passage of bills of the following titles to-wit:

HOUSE BILL NO. 43

A bill for AN ACT concerning transportation.

HOUSE BILL NO. 5958

A bill for AN ACT concerning local government.
HOUSE BILL NO. 6006

A bill for AN ACT concerning regulation.
HOUSE BILL NO. 6014

A bill for AN ACT concerning employment.
HOUSE BILL NO. 6015

A bill for AN ACT concerning finance.
HOUSE BILL NO. 6038

A bill for AN ACT concerning revenue.
HOUSE BILL NO. 6041

A bill for AN ACT concerning education.
Passed by the Senate, April 29, 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 of Representatives in the passage of a bill of the following title to-wit:
HOUSE BILL 6065

A bill for AN ACT concerning education.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 6065
Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

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) Federal laws enforced consistently in schools provide students with diabetes equal educational opportunities and a healthy and safe environment.
 - (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 who authorizes the provision of diabetes care, or a physician assistant who has a written supervision agreement with a supervising physician who authorizes the provision of diabetes care.

"Principal" means the principal of the school.

"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. This definition must not be interpreted as requiring a school district or private school to hire additional personnel for the sole purpose of serving as a designated care aide.

Section 15. Diabetes care plan.

(a) A diabetes care plan shall serve as the basis of a student's Section 504 plan (29 U.S.C. Sec. 794) and 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. It is the responsibility of the student's parent or guardian to share the health care provider's instructions concerning the student's diabetes management during the school day. The diabetes care plan shall include the treating health care provider's instructions concerning the student's diabetes management during the school day, including a copy of the signed prescription and the methods of insulin administration.

(b) The services and accommodations specified in a diabetes care plan shall be reasonable, reflect the current standard of diabetes care, include appropriate safeguards to ensure that syringes and lancets are disposed of properly, and include requirements for diet, glucose testing, insulin administration, and treatment for hypoglycemia, hyperglycemia, and emergency situations.

(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 using a standardized format provided by the State Board of Education.

(d) A diabetes care plan shall include procedures regarding when a delegated care aide shall consult with the parent or guardian, school nurse, where available, or health care provider to confirm that an insulin dosage is appropriate.

(e) 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 duties 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) In accordance with the diabetes care plan 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.

(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 and call 911.

(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. Training must be consistent with the guidelines provided by the U.S. Department of Health and Human Services in the guide for school personnel entitled "Helping the Student with Diabetes Succeed". 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. Provided that the student is authorized according to 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 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 message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 6065 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 6415

A bill for AN ACT concerning regulation.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 6415
Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 6415 on page 1, line 19, by replacing "2010" with "2012 2010".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 6415 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 5527

A bill for AN ACT concerning insurance.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 5527
Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5527 by replacing everything after the enacting clause with the following:

"Section 5. The Uniform Prescription Drug Information Card Act is amended by changing Section 15 as follows:

(215 ILCS 138/15)

Sec. 15. Uniform prescription drug information cards required.

(a) A health benefit plan that issues a card or other technology and provides coverage for prescription drugs or devices and an administrator of such a plan including, but not limited to, third-party administrators for self-insured plans and state-administered plans shall issue to its insureds a card or other technology containing uniform prescription drug information. The uniform prescription drug information card or other technology shall specifically identify and display the following mandatory data elements on the front of the card:

- (1) BIN number;
- (2) Processor control number if required for claims adjudication;
- (3) Group number;
- (4) Card issuer identifier;
- (5) Cardholder ID number; and
- (6) Cardholder name.

The uniform prescription drug information card or other technology shall specifically identify and display the following mandatory data elements on the back of the card:

- (1) Claims submission names and addresses; and
- (2) Help desk telephone numbers and names.

(b) A new uniform prescription drug information card or other technology shall be issued by a health benefit plan upon enrollment and reissued upon any change in the insured's coverage that affects mandatory data elements contained on the card.

(c) Notwithstanding subsections (a) and (b) of this Section, a discounted health care services plan administrator providing discounts on prescription drugs or devices shall issue to its beneficiaries a card containing the following mandatory data elements:

(1) an Internet website for beneficiaries to access up-to-date lists of preferred providers;

(2) a toll-free help desk number for beneficiaries and providers to access up-to-date lists of preferred providers and additional information about the discounted health care services plan;

(3) the name or logo of the provider network;

(4) a group number;

(5) a cardholder ID number;

(6) the cardholder's name or a space to permit the cardholder to print his or her name, if the cardholder pays a periodic charge for use of the card;

(7) a processor control number, if required for claims adjudication; and

(8) a statement that the plan is not insurance.

(d) As used in this Section, "discounted health care services plan administrator" means any person, partnership, or corporation, other than an insurer, health service corporation, limited health service organization holding a certificate of authority under the Limited Health Service Organization Act, or health maintenance organization holding a certificate of authority under the Health Maintenance Organization Act that arranges, contracts with, or administers contracts with a provider whereby insureds or beneficiaries are provided an incentive to use health care services provided by health care services providers under a discounted health care services plan in which there are no other incentives, such as copayment, coinsurance, or any other reimbursement differential, for beneficiaries to utilize the provider. "Discounted health care services plan administrator" also includes any person, partnership, or corporation, other than an insurer, health service corporation, limited health service organization holding a certificate of authority under the Limited Health Service Organization Act, or health maintenance organization holding a certificate of authority under the Health Maintenance Organization Act that enters into a contract with another administrator to enroll beneficiaries or insureds in a preferred provider program marketed as an independently identifiable program based on marketing materials or member benefit identification cards.

(Source: P.A. 91-777, eff. 1-1-01.)

Section 10. The Uniform Health Care Service Benefits Information Card Act is amended by changing Section 15 as follows:

(215 ILCS 139/15)

Sec. 15. Uniform health care benefit information cards required.

(a) A health benefit plan that issues a card or other technology and provides coverage for health care services including prescription drugs or devices also referred to as health care benefits and an administrator of such a plan including, but not limited to, third-party administrators for self-insured plans and state-administered plans shall issue to its insureds a card or other technology containing uniform health care benefit information. The health care benefit information card or other technology shall specifically identify and display the following mandatory data elements on the card:

(1) processor control number, if required for claims adjudication;

(2) group number;

(3) card issuer identifier;

(4) cardholder ID number; and

(5) cardholder name.

(b) The uniform health care benefit information card or other technology shall specifically identify and display the following mandatory data elements on the back of the card:

(1) claims submission names and addresses; and

(2) help desk telephone numbers and names.

(c) A new uniform health care benefit information card or other technology shall be issued by a health benefit plan upon enrollment and reissued upon any change in the insured's coverage that affects mandatory data elements contained on the card.

(d) Notwithstanding subsections (a), (b), and (c) of this Section, a discounted health care services plan administrator shall issue to its beneficiaries a card containing the following mandatory data elements:

(1) an Internet website for beneficiaries to access up-to-date lists of preferred providers;

(2) a toll-free help desk number for beneficiaries and providers to access up-to-date lists of preferred

providers and additional information about the discounted health care services plan:

(3) the name or logo of the provider network;

(4) a group number, if necessary for the processing of benefits;

(5) a cardholder ID number;

(6) the cardholder's name or a space to permit the cardholder to print his or her name, if the cardholder pays a periodic charge for use of the card;

(7) a processor control number, if required for claims adjudication; and

(8) a statement that the plan is not insurance.

(e) As used in this Section, "discounted health care services plan administrator" means any person, partnership, or corporation, other than an insurer, health service corporation, limited health service organization holding a certificate of authority under the Limited Health Service Organization Act, or health maintenance organization holding a certificate of authority under the Health Maintenance Organization Act that arranges, contracts with, or administers contracts with a provider whereby insureds or beneficiaries are provided an incentive to use health care services provided by health care services providers under a discounted health care services plan in which there are no other incentives, such as copayment, coinsurance, or any other reimbursement differential, for beneficiaries to utilize the provider. "Discounted health care services plan administrator" also includes any person, partnership, or corporation, other than an insurer, health service corporation, limited health service organization holding a certificate of authority under the Limited Health Service Organization Act, or health maintenance organization holding a certificate of authority under the Health Maintenance Organization Act that enters into a contract with another administrator to enroll beneficiaries or insureds in a preferred provider program marketed as an independently identifiable program based on marketing materials or member benefit identification cards.

(Source: P.A. 92-106, eff. 1-1-02.)".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 5527 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 6239

A bill for AN ACT concerning local government.

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

Senate Amendment No. 1 to HOUSE BILL NO. 6239

Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 6239 on page 1, line 5, after "Sections", by inserting "5-41003,"; and

on page 1, by replacing lines 7 through 20 with the following:

"5-43045 as follows:

(55 ILCS 5/5-41003 new)

Sec. 5-41003. Applicability. This Division 5-41 applies to all counties except for the counties of Cook, DuPage, Kane, Lake, McHenry, and Will."; and

by replacing from line 22 on page 1 through line 1 on page 2 with the following:

"ADMINISTRATIVE ADJUDICATION - SPECIFIED COUNTIES"

on page 2, by replacing line 4 with the following:

"only to the counties of Cook, DuPage, Kane, Lake, McHenry, and Will."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 6239 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 6099

A bill for AN ACT concerning agriculture.

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

Senate Amendment No. 1 to HOUSE BILL NO. 6099

Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

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 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 pavement, 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 (P₂O₅).

(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) Paragraph (1) of subsection (a) of this Section does not apply to the application of 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~~ ~~\$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) On and after the effective date of this amendatory Act of the 96th General Assembly, 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.

(b) Subsection (a) of this Section shall not apply to any local ordinance or regulation in effect before the effective date of this amendatory Act of the 96th General Assembly.

(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 message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 6099 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 6079

A bill for AN ACT concerning education.

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

Senate Amendment No. 1 to HOUSE BILL NO. 6079

Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 6079 as follows:

on page 1, line 12, by replacing "100" with "150"; and

on page 1, line 12, by replacing "2009-2010" with "2008-2009"; and

on page 1, line 13, by replacing "2009-2010" with "2008-2009"; and

on page 3, line 18, before "cooperative", by inserting "or".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 6079 was placed on the Calendar on the order of Concurrence.

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 passage of bills of the following titles to-wit:

HOUSE BILL NO. 5120

A bill for AN ACT concerning transportation.

HOUSE BILL NO. 5764

A bill for AN ACT concerning regulation, which may be referred to as Seth's law.

HOUSE BILL NO. 5951

A bill for AN ACT concerning civil law.

HOUSE BILL NO. 6047

A bill for AN ACT concerning safety.

HOUSE BILL NO. 6059

A bill for AN ACT concerning government.

HOUSE BILL NO. 6062

A bill for AN ACT concerning local government.

HOUSE BILL NO. 6077

A bill for AN ACT concerning elections.

HOUSE BILL NO. 6092
A bill for AN ACT concerning education.
HOUSE BILL NO. 6101
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 6103
A bill for AN ACT concerning health.
HOUSE BILL NO. 6125
A bill for AN ACT concerning revenue.
HOUSE BILL NO. 6126
A bill for AN ACT concerning revenue.
HOUSE BILL NO. 6129
A bill for AN ACT concerning courts.
HOUSE BILL NO. 6152
A bill for AN ACT concerning public employee benefits.
HOUSE BILL NO. 6153
A bill for AN ACT concerning State government.
HOUSE BILL NO. 6194
A bill for AN ACT concerning State government.
HOUSE BILL NO. 6201
A bill for AN ACT concerning safety.
HOUSE BILL NO. 6206
A bill for AN ACT concerning education.
HOUSE BILL NO. 6231
A bill for AN ACT concerning civil law.
HOUSE BILL NO. 6235
A bill for AN ACT concerning local government.
HOUSE BILL NO. 6317
A bill for AN ACT concerning State government.
HOUSE BILL NO. 6380
A bill for AN ACT concerning local government.
HOUSE BILL NO. 6412
A bill for AN ACT concerning regulation.
Passed by the Senate, April 29, 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 passage of bills of the following titles to-wit:

HOUSE BILL NO. 3998
A bill for AN ACT concerning local government.
HOUSE BILL NO. 4669
A bill for AN ACT concerning animals.
HOUSE BILL NO. 4694
A bill for AN ACT concerning safety.
HOUSE BILL NO. 4737
A bill for AN ACT concerning government.
HOUSE BILL NO. 4776
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 4779
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 4820
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 4821

A bill for AN ACT concerning elections.
HOUSE BILL NO. 4842

A bill for AN ACT concerning elections.
HOUSE BILL NO. 4945

A bill for AN ACT concerning finance.
HOUSE BILL NO. 4961

A bill for AN ACT concerning finance.
HOUSE BILL NO. 5006

A bill for AN ACT concerning corrections.
HOUSE BILL NO. 5026

A bill for AN ACT concerning insurance.
HOUSE BILL NO. 5043

A bill for AN ACT concerning sex offenders.
HOUSE BILL NO. 5095

A bill for AN ACT concerning human rights.
HOUSE BILL NO. 5124

A bill for AN ACT concerning State government.
HOUSE BILL NO. 6416

A bill for AN ACT concerning regulation.
HOUSE BILL NO. 6441

A bill for AN ACT concerning health.
HOUSE BILL NO. 6477

A bill for AN ACT concerning civil law.
Passed by the Senate, April 29, 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 of Representatives in the passage of a bill of the following title to-wit:
HOUSE BILL 6439

A bill for AN ACT concerning health.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 6439
Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 6439 as follows:
on page 1, immediately below line 6, by inserting the following:
"(Section scheduled to be repealed on January 1, 2012)"; and
on page 3, line 5, after the period, by inserting "This Section is repealed on January 1, 2012.".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 6439 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:
HOUSE BILL 6464

A bill for AN ACT concerning criminal law.

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

Senate Amendment No. 1 to HOUSE BILL NO. 6464

Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 6464 on page 1, line 11, by replacing "registered" with "required to register"; and

on page 2, by inserting immediately below line 4 the following:

"This subsection (c) shall not be construed to allow a child sex offender to knowingly reside within 500 feet of the minor victim of the sex offense if prohibited by subsection (b-6) of Section 11-9.4 of this Code."; and

on page 2, by inserting immediately below line 6 the following:

"(e) Nothing in this Section shall prohibit the filing of a petition or the instituting of any proceeding under Article II of the Juvenile Court Act of 1987 relating to abused minors."; and

on page 3, line 18, by inserting after "child" the following:

", provided that his or her own child is not the victim of the sex offense"; and

on page 11, line 18, by inserting after "child" the following:

", provided that his or her own child is not the victim of the sex offense."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 6464 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 156

A bill for AN ACT concerning transportation.

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

Senate Amendment No. 1 to HOUSE BILL NO. 156

Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 156 by replacing everything after the enacting clause with the following:

"Section 5. The Fox Waterway Agency Act is amended by changing Section 7.2 as follows:
(615 ILCS 90/7.2) (from Ch. 19, par. 1209)

Sec. 7.2. The Agency may charge reasonable user fees for recreational and commercial boating, and has the authority to issue revenue bonds and to borrow funds from any financial lending institution, but shall not have the authority to impose any property tax. The Agency shall devise a schedule of user fees. The Agency shall conduct public hearings before establishing or changing user fees or soliciting the issuance of revenue bonds or the borrowing of funds. The Agency may issue stickers as evidence of the payment of user fees. The Agency may impose a civil penalty on persons who knowingly use the waterway without paying a required user fee in an amount not exceeding \$500 for each violation. Such civil penalty may be recovered by the Agency in a civil action.

The Agency may also sell its dredging materials from the waterway as reclaimed topsoil.

At least 75% of the gross income ~~from fees~~ collected under this Section shall be used exclusively for projects designed to maintain and improve the waterway. Such projects may include, but are not limited to, dredging, site acquisition for silt deposit, water safety, and water quality projects. Any funds which have not been expended by the end of a fiscal year may be accumulated in a revolving fund.

(Source: P.A. 89-162, eff. 7-19-95.)

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 156 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 4675

A bill for AN ACT concerning criminal law.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 4675
Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 4675 on page 8, line 25, by replacing "subsection (b-5)" with the following:
"subsections (b-5) and (c-9) subsection (b-5)".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 4675 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 4715

A bill for AN ACT concerning criminal law.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 2 to HOUSE BILL NO. 4715
Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 2. Amend House Bill 4715 on page 2, line 3, by inserting "1" after "2004"; and on page 2, line 4, by inserting after "vehicles" the following:
" or to any person engaged in the business of lawful repossession of property who possesses a valid Repossessor-ICC Authorization Card".

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 4715 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 4846

A bill for AN ACT concerning local government.

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

Senate Amendment No. 1 to HOUSE BILL NO. 4846

Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 4846 by replacing everything after the enacting clause with the following:

"Section 5. The Fire Protection District Act is amended by changing Section 4.01 and adding Section 4.04 as follows:

(70 ILCS 705/4.01) (from Ch. 127 1/2, par. 24.01)

Sec. 4.01. Five-member boards.

(a) Any appointed board of trustees of a fire protection district may provide for the establishment of a 5-member board of trustees by adopting an ordinance to that effect. An appointed board of trustees shall also be increased to a 5-member board upon the adoption of a proposition to increase the board as provided in subsection (b) of this Section. When such an ordinance or proposition has been adopted, the appropriate appointing authority shall, within 60 days of the date of the adoption of the ordinance or proposition, appoint 2 additional trustees to the board of trustees, one to hold office for 2 years and one to hold office for 3 years from the first Monday of May next after their appointment and until their successors are appointed and have qualified. The lengths of the terms of these 2 additional members shall be determined by lot at the first meeting of the board of trustees held after the 2 additional members take office. The 3 trustees already holding office in the district shall continue to hold office for the remainder of their respective terms. Thereafter, on or before the second Monday in April of each year the appropriate appointing authority shall appoint one trustee or 2 trustees, as shall be necessary to maintain a 5-member board of trustees, whose terms shall be for 3 years commencing the first Monday in May of the year in which they are respectively appointed.

(b) Upon presentation to an elected or appointed 3-member board of trustees of a petition, signed by not less than 5% of the electors of the district governed by the board, requesting that a proposition to increase the board of trustees to a 5-member board be submitted to the electors of the district, the secretary of the board of trustees shall certify the proposition to the appropriate election authorities who shall submit the proposition at a regular election in accordance with the general election law. The general election law shall apply to and govern the election. The proposition shall be in substantially the following form:

"Shall the number of trustees YES
of the Fire Protection District be -----
increased from 3 to 5?" NO

If a majority of the votes cast on the proposition are in the affirmative, the board of trustees of the district shall thereafter be increased to a 5-member board and the 2 additional trustees shall be elected or appointed as provided by this Section.

(c) Any appointed board of trustees of a fire protection district that has established a 5-member board of trustees by ordinance under subsection (a) may provide for a return to a 3-member board of trustees by adopting an ordinance to that effect. The terms of the 5 persons serving on the board at the time of the adoption of the ordinance shall be terminated upon the adoption of the ordinance, except that they shall continue to serve until the 3-member board under this subsection (c) has been selected and qualified. The appropriate appointing authority shall appoint the 3-member board within 60 days after the adoption of the ordinance. The appointments shall be made under Section 4. Persons serving on the 5-member board shall be eligible for appointment to the 3-member board under this subsection (c).

(d) Beginning on August 17, 1990, and ending 3 years after that date, in the case of a fire protection district board of trustees in a county with a population of more than 400,000 but less than 450,000, according to the 1980 general census, created under Section 4, subsection (a), paragraph (3) of this Act that has established a 5-member board of trustees under this Section a petition for the redress of a trustee, charging the trustee with palpable omission of duty or nonfeasance in office, signed by not less than 5% of the electors of the district may be presented to the township supervisor or the presiding officer of the

county board, as appropriate. Upon receipt of the petition, the township supervisor or presiding officer of the county board, as appropriate, shall preside over a hearing on the matter of the requested redress. The hearing shall be held not less than 14 nor more than 30 days after receipt of the petition. In the case of a fire protection district trustee appointed by the presiding officer of the county board, the presiding officer shall appoint at least 4 but not more than 8 members of the county board, a majority of whom shall reside in a county board district in which the fire protection district is wholly or partially located, to serve as the hearing panel. In the case of a fire protection district trustee appointed by the board of town trustees, the township supervisor and 2 other town trustees appointed by the supervisor shall serve as the hearing panel. Within 30 days after the hearing, the panel shall issue a statement of its findings concerning the charges against the trustee, based upon the evidence presented at the hearing, and may make to the fire protection district any recommendations deemed appropriate.

(e) In a district governed by an elected or appointed 5-member board, upon presentation of a petition, signed by not less than 5% of the electors of the district governed by the board, requesting that a proposition to decrease the board of trustees to a 3-member board be submitted to the electors of the district, the secretary of the board of trustees shall certify the proposition to the appropriate election authorities who shall submit the proposition at a regular election in accordance with the general election law. The general election law shall apply to and govern the election.

The election authority must submit the question in substantially the following form:

Shall the number of trustees of the fire protection district be decreased from 5 to 3 members?

The election authority must record the votes as "Yes" or "No".

If a majority of the votes cast on the proposition are in the affirmative, the board of trustees of the district shall be decreased to a 3-member board. The terms of the 5 persons serving on the board at the time of the reduction of the number of members to 3 shall terminate upon certification of the election results, except that they shall continue to serve until the 3-member board is appointed and qualified or elected and qualified.

In the case of an appointed board, the appointing authority shall within 60 days after the certification of the election results, appoint 3 trustees to the board with terms starting the first Monday in May next following the election where the decrease in the board's size is approved. The terms of the appointed trustees shall be determined by lot at the first board meeting following the election. One trustee shall have a term of 3 years, one trustee shall have a term of 2 years, and one trustee shall have a term of one year. Thereafter, all terms shall be for 3 years.

In the case of an elected board, 3 trustees shall be elected at the next election at which fire protection district trustees are to be elected under the general election law. The terms of the trustees shall be determined by lot at the first board meeting following the election. One elected trustee shall have a term of 6 years, one trustee shall have a term of 4 years, and one trustee shall have a term of 2 years. Thereafter, the terms of all elected trustees shall be 6 years.

(Source: P.A. 86-1179; 87-712.)

(70 ILCS 705/4.04 new)

Sec. 4.04. Change from a 7-member board to a 5-member or 3-member board. In a district governed by an elected or appointed 7-member board, upon presentation of a petition, signed by not less than 5% of the electors of the district governed by the board, requesting that a proposition to decrease the board of trustees to a 5-member or 3-member board be submitted to the electors of the district, the secretary of the board of trustees shall certify the proposition to the appropriate election authorities who shall submit the proposition at a regular election in accordance with the general election law. The general election law shall apply to and govern the election.

The election authority must submit the question in substantially the following form:

Shall the number of trustees of the fire protection district be decreased from 7 to (5 or 3) members?

The election authority must record the votes as "Yes" or "No".

If a majority of the votes cast on the proposition are in the affirmative, the board of trustees of the district shall be decreased to a 5-member or 3-member board, as applicable. The terms of the 7 persons serving on the board at the time of the reduction of the number of members to 5 or 3 shall terminate upon certification of the election results, except that they shall continue to serve until the 5-member or 3-member board is appointed and qualified or elected and qualified.

In the case of an appointed board, the appointing authority shall within 60 days after the certification of the election results, appoint 3 or 5 trustees, as the case may be, to the board of trustees with terms starting the first Monday in May next following the election where the decrease in the board's size is approved. The terms of the appointed trustees shall be determined by lot at the first board meeting following the election.

In the case of a 5-member board, 2 trustees shall have a 3-year term, 2 trustees shall have a 2-year term, and one trustee shall have a one-year term. In the case of a 3-member board, one trustee shall have a 3-year term, one trustee shall have a 2-year term, and one trustee shall have a one-year term. Thereafter, all terms shall be for 3 years.

In the case of an elected board, 3 or 5 trustees shall be elected at the next election at which fire protection district trustees are to be elected under the general election law. The terms of the trustees shall be determined by lot at the first board meeting following the election. In the case of a 5-member board, 2 elected trustees shall have a 2-year term, 2 trustees shall have a 4-year term, and one trustee shall have a 6-year term. In the case of a 3-member board, one elected trustee shall have a 6-year term, one trustee shall have a 4-year term, and one trustee shall have a 2-year term. Thereafter, the terms of all elected trustees shall be 6 years.

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 4846 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 4860

A bill for AN ACT concerning transportation.

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

Senate Amendment No. 1 to HOUSE BILL NO. 4860

Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 4860 on page 1, line 21, after the period, by inserting the following:

"Nothing in this Section shall prevent a tower from stopping at the scene of a motor vehicle accident or at or near a damaged or disabled vehicle if the owner or operator signals the tower for assistance from the location of the motor vehicle accident or damaged or disabled vehicle."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 4860 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 5169

A bill for AN ACT concerning revenue.

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

Senate Amendment No. 1 to HOUSE BILL NO. 5169

Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5169 on page 1, line 5, by replacing "Sections 18-185 and 18-195" with "Section 18-195"; and

by deleting everything from line 6 on page 1 through line 8 on page 18.

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 5169 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 5206

A bill for AN ACT concerning elections.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 5206
Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5206 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 4-14.1, 5-9.1, and 6-62 as follows:
(10 ILCS 5/4-14.1) (from Ch. 46, par. 4-14.1)

Sec. 4-14.1. Cancelation of deceased voter's registration. Upon establishment of an electronic reporting system for death registrations as provided in the Vital Records Act, the county clerk of the county where a decedent last resided, as indicated on the decedent's death certificate, may issue certifications of death records from that system and may use that system to cancel the registration of any person who has died during the preceding month. Regardless of whether or not such a system has been established, it is the duty of the county clerk to examine, monthly, the records deposited in his or her office pursuant to the Vital Records Act that relate to deaths in the county, and to cancel the registration of any person who has died during the preceding month.

(Source: P.A. 87-895.)

(10 ILCS 5/5-9.1) (from Ch. 46, par. 5-9.1)

Sec. 5-9.1. Cancelation of deceased voter's registration. Upon establishment of an electronic reporting system for death registrations as provided in the Vital Records Act, the county clerk of the county where a decedent last resided, as indicated on the decedent's death certificate, may issue certifications of death records from that system and may use that system to cancel the registration of any person who has died during the preceding month and cause the name of each such deceased person to be erased from the register of the precinct in which the deceased person was registered. Regardless of whether or not such a system has been established, it is the duty of the county clerk to examine monthly the records deposited in his or her office pursuant to the Vital Records Act that relate to deaths in the county, to cancel the registration of any person who has died during the preceding month, and to cause the name of each such deceased person to be erased from the register of the precinct in which the deceased person was registered.

(Source: P.A. 87-895.)

(10 ILCS 5/6-62) (from Ch. 46, par. 6-62)

Sec. 6-62. It shall be the duty of the person or officer having charge of the vital records of a city, village or incorporated town to furnish to the board of election commissioners, monthly, a report of the names and previous residences of all persons over 18 ~~21~~ years of age that have died during the preceding month.

(Source: P.A. 87-895.)"

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 5206 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 5732

A bill for AN ACT concerning finance.

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

Senate Amendment No. 1 to HOUSE BILL NO. 5732

Passed the Senate, as amended, April 29, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5732 by replacing everything from line 15 on page 2 through line 5 on page 3 with the following:

"(d) The Department shall develop an annual application process for existing or potential participants to request an initial appropriation or an appropriation exceeding the formula amount found in subsection (b-10) of Section 2-7 for funding service in new areas in the next fiscal year. The application shall include, but not be limited to, a description of the new service area, proposed service in the new area, and a budget for providing existing and new service. The Department shall review the application for reasonableness and compliance with the requirements of this Section, and, if it approves the application, shall recommend to the Governor an appropriation for the next fiscal year in an amount sufficient to provide 65% of projected eligible operating expenses associated with a new participant's service area or the portion of an existing participant's service area that has been expanded by annexation or intergovernmental agreement. The recommended appropriation for the next fiscal year may exceed the formula amount found in subsection (b-10) of Section 2-7."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 5732 was placed on the Calendar on the order of Concurrence.

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 passage of bills of the following titles to-wit:

HOUSE BILL NO. 5130

A bill for AN ACT concerning law enforcement.

HOUSE BILL NO. 5139

A bill for AN ACT concerning safety.

HOUSE BILL NO. 5149

A bill for AN ACT concerning public employee benefits.

HOUSE BILL NO. 5154

A bill for AN ACT concerning employment.

HOUSE BILL NO. 5157

A bill for AN ACT concerning elections.

HOUSE BILL NO. 5262

A bill for AN ACT concerning public employee benefits.

HOUSE BILL NO. 5282

A bill for AN ACT concerning real property.

HOUSE BILL NO. 5321

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 5322

A bill for AN ACT concerning education.

HOUSE BILL NO. 5323

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 5330

A bill for AN ACT concerning transportation.
HOUSE BILL NO. 5377

A bill for AN ACT concerning professional regulation.
HOUSE BILL NO. 5388

A bill for AN ACT concerning regulation.
HOUSE BILL NO. 5398

A bill for AN ACT concerning veterans.
HOUSE BILL NO. 5437

A bill for AN ACT concerning gaming.
HOUSE BILL NO. 5444

A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 5481

A bill for AN ACT concerning education.
HOUSE BILL NO. 5565

A bill for AN ACT concerning government.
HOUSE BILL NO. 5664

A bill for AN ACT concerning safety.
HOUSE BILL NO. 5712

A bill for AN ACT concerning transportation.
Passed by the Senate, April 29, 2010.

Jillayne Rock, Secretary of the Senate

CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Verschoore was removed as principal sponsor, and Representative Lang became the new principal sponsor of SENATE BILL 1937.

HOUSE RESOLUTIONS

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

HOUSE RESOLUTION 1173

Offered by Representative Soto:

WHEREAS, The current economic crisis has resulted in lost jobs in both the public and private sectors; and

WHEREAS, When people lose jobs, they experience difficulty paying their bills and meeting their other financial obligations; people who have lost their jobs often have been unable to make their house payments, which has resulted in a wave of foreclosures throughout the nation; overwhelmed by unpaid bills, the credit scores of those afflicted have decreased dramatically; and

WHEREAS, The only way for most of these people for get back on their feet and regain lost credit is to find a new job; and

WHEREAS, The use of credit checks by prospective employers has prevented many people with bad credit reports from gaining employment; and

WHEREAS, Such credit checks create a vicious cycle that prevents those who most need jobs from getting them; and

WHEREAS, Enabling those with bad credit reports to clean up their credit scores would provide immense benefits to the economy and promote the virtues of financial literacy and responsibility; and

WHEREAS, The Credit Card Accountability Responsibility and Disclosure Act of 2009 requires companies that promote free credit score reports to disclose the existence of government-sponsored credit score services on all print, radio, television, and online advertisements; and

WHEREAS, The creation and expansion of guidelines for customers to fix their credit scores would help those with bad credit to rebuild and regain what they have lost and aid in the recovery of the national

economy as a whole; and

WHEREAS, Proper federal legislation could provide a way for federal agencies to take complaints from citizens about their employment woes and guide them toward gainful employment and credit rehabilitation; and

WHEREAS, The average American citizen should be the main beneficiary of any such legislation; and

WHEREAS, Consumer protection should be a primary concern of our nation and our government; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge Congress to consider and pass legislation that would establish statutory or regulatory guidelines and procedures for consumers to clean up their credit reports; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Speaker and Minority Leader of the United States House of Representatives, the Majority and Minority Leader of the United States Senate, and the members of the Illinois congressional delegation.

HOUSE RESOLUTION 1174

Offered by Representative Mell:

WHEREAS, Perchloroethylene (hereinafter referred to as "perc") has been the solvent of choice for commercial clothes cleaning operations since the 1960s; and

WHEREAS, The use of perc by dry cleaners can expose humans and the environment to perc through releases to soil, water, and air; and

WHEREAS, Perc has been shown to have a variety of health and safety issues associated with its use, has been classified as a probable human carcinogen by the International Agency for Research on Cancer and as a potential human carcinogen by the National Institute of Occupational Safety & Health, and has been shown by the U.S. EPA to cause other non-cancer health effects; and

WHEREAS, Studies performed by environmental authorities and others in California, New York, and New Jersey indicate that exposure to perc emissions from dry cleaning operations may result in unacceptable health risks to people living near dry cleaning facilities; and

WHEREAS, The U.S. EPA has adopted regulations to eliminate the use of perc in dry cleaning facilities located in residential buildings by 2020, and the California Air Resources Board has passed rules to eliminate the use of perc at all dry cleaning facilities by 2023; and

WHEREAS, There is an increasing trend in the detection of perc in community water system wells in Illinois; and

WHEREAS, 81% of the public health notices issued for volatile organic compounds that exceed Illinois Pollution Control Board groundwater quality standards or Safe Drinking Water Act maximum contaminant levels have been triggered by the detection of perc or its degradation products in community water system wells; and

WHEREAS, The dry cleaning industry is a highly decentralized sector, with the vast majority of dry cleaners in Illinois being small neighborhood businesses at which cleaning and finishing are performed on the premises; and

WHEREAS, Many of these drycleaners are increasingly faced with financial liability associated with cleaning up perc contaminated soil and groundwater; and

WHEREAS, There are a number of alternatives to perc-based dry cleaning that are either emerging or commercially viable that can minimize the impact of commercial clothes cleaning facilities on human health and the environment; and

WHEREAS, Many dry cleaners recognize the inherent liabilities in the use of perc and would like to shift to environmentally friendly and economically competitive cleaning technologies, but these cleaners may be limited in their choice of cleaner technologies due to the time and resources needed to evaluate these technologies and the level of capital investment necessary to update their facilities; and

WHEREAS, The General Assembly finds it necessary to form a Task Force to study appropriate methods for phasing out the use of perc in dry cleaning operations in Illinois and encouraging the use of environmentally friendly alternatives; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that there is created a Clean Technology Task Force for

Commercial Clothes Cleaning to identify barriers to using environmentally friendly alternatives to perc in dry cleaning operations in Illinois, and to study appropriate methods for phasing out the use of perc in dry cleaning operations in Illinois and encouraging the use of cleaner clothes cleaning technologies; and be it further

RESOLVED, That the Task Force shall consist of the following members:

- (1) The Director of the Illinois Environmental Protection Agency ("Director"), or his or her representative, who shall serve as chairman of the Task Force;
- (2) 4 members appointed by the Director to represent the dry cleaning industry, including at least one member who represents a state-wide dry cleaners' organization and 2 members who represent regional or major metropolitan dry cleaning associations;
- (3) One member appointed by the Director to represent the Dry Cleaner Environmental Response Trust Fund;
- (4) 2 members appointed by the Director who own or operate dry cleaning facilities in Illinois that utilize environmentally friendly cleaning alternatives;
- (5) One member appointed by the Director to represent community water supply well owners and operators;
- (6) One member appointed by the Director to represent the Groundwater Advisory Council;
- (7) One member appointed by the Director to represent local government environmental and public health agencies;
- (8) One member appointed by the Director to represent the Illinois Sustainable Technology Center; and
- (9) 2 members appointed by the Director to represent environmental public interest organizations; and be it further

RESOLVED, That the methods studied by the Task Force for encouraging the use of cleaner clothes cleaning technologies in Illinois shall include, but not be limited to, technical training and assistance, demonstration projects and education, solvent usage fees, and financial incentives; and be it further

RESOLVED, That the Illinois Environmental Protection Agency shall provide staff and support for the Task Force; and be it further

RESOLVED, That the members of the Task Force shall receive no compensation for serving as members of the Task Force; and be it further

RESOLVED, That the Task Force shall submit a report on its findings to the Governor and the General Assembly by December 31, 2010, which may be in the form of proposed legislation.

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 1175

Offered by Representative Farnham:
Congratulates Jeffrey A. Swoboda on being named the Police Chief of Elgin.

HOUSE RESOLUTION 1176

Offered by Representative Reis:
Congratulates the administration, staff, and students of Wabash Valley College in Mt. Carmel on the occasion of the college's 50th anniversary.

HOUSE RESOLUTION 1177

Offered by Representative Watson:
Honors the fallen soldiers, sailors, airman, and marines from the State of Illinois who have fallen in battle in the last year.

HOUSE RESOLUTION 1178

Offered by Representative Brady:
Congratulates Bloomington Police Sergeant Larry E. Shepherd on his retirement.

HOUSE RESOLUTION 1179

Offered by Representative Brady:
Congratulates Dr. Dianne Ashby, Vice President for University Advancement at Illinois State University, on her retirement.

HOUSE RESOLUTION 1180

Offered by Representative Rose:
Mourns the death of Mark "Flipper" Hannon of Clinton.

HOUSE RESOLUTION 1181

Offered by Representative Hernandez:
Mourns the death of Patricia Makris, Executive Director of the Children's Center of Cicero/Berwyn.

HOUSE RESOLUTION 1182

Offered by Representative Farnham:
Congratulates Florence Osttick of Elgin on receiving the Altrusa International Club of Elgin, Inc., Woman of the Year 2010 Award.

HOUSE RESOLUTION 1183

Offered by Representative Flider:
Congratulates Denene Wilmeth on her retirement from the Decatur Area Convention and Visitors Bureau.

SENATE BILL ON SECOND READING

SENATE BILL 3118. Having been read by title a second time on April 23, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Nekritz offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 3118 on page 15, by replacing lines 20 through 22 with the following:

"General must be conducted in accordance with the rights"; and
on page 16, by inserting below line 3 the following:

"(o) Nothing in this Section shall diminish the rights, privileges, or remedies of a State employee under any other federal or State law, rule, or regulation or under any collective bargaining agreement."

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

RECALL

At the request of the principal sponsor, Representative McAsey, SENATE BILL 3359 was recalled from the order of Third Reading to the order of Second Reading.

HOUSE BILLS ON SECOND READING

SENATE BILL 3359. Having been recalled on April 29, 2010, the same was again taken up. Representative McAsey offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend Senate Bill 3359, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 1, line 6, by deleting "offend."

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was again advanced to the order of Third Reading.

SENATE BILL 3635. Having been recalled on April 28, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Chapa LaVia offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 3635 on page 1, by replacing line 18 with the following: "transitional bilingual education funding received from the State must be used for the instructional costs of transitional bilingual education."

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was again advanced to the order of Third Reading.

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 10:20 o'clock a.m.

RECALL

At the request of the principal sponsor, Representative Eddy, SENATE BILL 3681 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

SENATE BILLS ON SECOND READING

SENATE BILL 2499. Having been read by title a second time on April 28, 2010, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

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

On motion of Representative Farnham, SENATE BILL 2499 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 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.

SENATE RESOLUTION

Having been reported out of the Committee on Elementary & Secondary Education on April 29, 2010, SENATE JOINT RESOLUTION 114 was taken up for consideration.

Representative Smith moved the adoption of the resolution.

And on that motion, a vote was taken resulting as follows:

96, Yeas; 15, Nays; 1, Answering Present.

(ROLL CALL 3)

The motion prevailed and the Resolution was adopted.

Ordered that the Clerk inform the Senate.

Having been reported out of the Committee on Agriculture & Conservation on April 29, 2010, SENATE JOINT RESOLUTION 87 was taken up for consideration.

Representative Myers moved the adoption of the resolution.

And on that motion, a vote was taken resulting as follows:

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

(ROLL CALL 4)

The motion prevailed and the Resolution was adopted.

Ordered that the Clerk inform the Senate.

SENATE BILLS ON SECOND READING

SENATE BILL 580. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Counties & Townships, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 580 by replacing everything after the enacting clause with the following:

"Section 5. The Water Commission Act of 1985 is amended by changing Section 4 and by adding Sections 0.001, 0.001a, and 0.001b as follows:

(70 ILCS 3720/0.001 new)

Sec. 0.001. Commissioners; terms; vacancies. Effective January 1, 2011, the terms of office of the chairperson and all commissioners of water commissions appointed pursuant to this Act shall terminate and the commission shall be reconstituted.

(a) The commissioners shall be appointed as follows:

(1) A chairperson, who shall also serve in the capacity of a commissioner, shall be appointed by the chairperson of the county board of the home county with the advice and consent of the county board.

(2) One commissioner from each county board district within the home county shall be appointed by the chairperson of the county board of the home county with the advice and consent of the county board.

(3) One commissioner from each county board district within the home county shall be appointed by the majority vote of the mayors of those included municipalities that have the greatest percentage of their respective populations residing within such county board district of the home county. A vice-chairperson of the commission shall be appointed from the commissioners appointed pursuant to this paragraph by a majority vote of these commissioners.

(b) All commissioners shall be residents of the home county or a resident of an included municipality.

(c) The initial commissioners appointed pursuant to subsection (a) shall serve the following terms:

(1) The chairperson shall serve for a term of 6 years.

(2) At the first meeting of the commission held after January 1, 2011, the commissioners appointed pursuant to paragraph (2) of subsection (a) shall determine publicly by lot one-third of their members to serve for a term of 2 years, one-third of their members to serve for a term of 4 years, and one-third of their

members to serve for a term of 6 years, any odd number of commissioners so determined by dividing into thirds to serve 6-year terms.

(3) At the first meeting of the commission held after January 1, 2011, the commissioners and the vice-chairperson appointed pursuant to paragraph (3) of subsection (a) shall determine publicly by lot one-third of their members to serve for a term of 2 years, one-third of their members to serve for a term of 4 years, and one-third of their members to serve for a term of 6 years, any odd number of commissioners so determined by dividing into thirds to serve 6-year terms.

The successor commissioners shall serve for a term of 6 years or until their successors have been appointed and qualified in the same manner as the original appointments.

(d) A commissioner shall be eligible for reappointment upon the expiration of his or her term. A vacancy in the office of a commissioner shall be filled for the balance of the unexpired term by appointment and with the qualifications as to residency in the same manner as the original appointment was made.

(e) A commissioner may be a member of the governing board, an officer, or an employee of the county or any unit of local government located within the county.

(70 ILCS 3720/0.001a new)

Sec. 0.001a. Officers. A water commission established pursuant to this Act shall, by majority vote of the water commissioners, appoint a general manager, a finance director, and a treasurer. The appointment of the general manager, finance director, and treasurer is subject to the advice and consent of the county board of the home county in which the county water commission is located. The positions of finance director and treasurer shall be filled by persons with the necessary financial background and experience to monitor and report on water commission financial matters and budgeting.

(70 ILCS 3720/0.001b new)

Sec. 0.001b. Powers and duties. A water commission has the power and duty to:

- (1) establish and define the responsibilities of the commission and its committees;
- (2) establish and define the responsibilities of the commission's management and staff;
- (3) establish a finance committee to conduct monthly meetings to supervise staff's handling of financial matters and budgeting;
- (4) require the finance director and treasurer to report to the finance committee the status of all commission funds and obligations;
- (5) require the treasurer to report to the commission any improper or unnecessary expenditures, budgetary errors, or accounting irregularities;
- (6) require commission staff to document and comply with standard accounting policies, procedures, and controls to ensure accurate reporting to the finance committee and commission and to identify improper or unnecessary expenditures, budgetary errors, or accounting irregularities;
- (7) require the commission's finance director to provide monthly reports regarding the commission's cash and investment position including whether the commission has sufficient cash and investments to pay its debt service, operating expenses, and capital expenditures and maintain required reserve levels. The information shall include the required funding levels for restricted funds and unrestricted cash and investment balances with comparisons to unrestricted reserves. The information shall also include the type and performance of the commission's investments and description as to whether those investments are in compliance with the commission's investment policies;
- (8) require the commission's finance director to provide the commission with detailed information concerning the commission's operating performance including the budgeted and actual monthly amounts for water sales, water costs, and other operating expenses;
- (9) require commission staff to provide the commission with detailed information regarding the progress of capital projects including whether the percentage of completion and costs incurred are timely;
- (10) require the commission's staff accountant to perform bank reconciliations and general ledger account reconciliations on a monthly basis; the finance director shall review these reconciliations and provide them to the treasurer and the finance committee on a monthly basis;
- (11) establish policies to ensure the proper segregation of the financial duties performed by employees;
- (12) restrict access to the established accounting systems and general ledger systems and provide for adequate segregation of duties so that no single person has sole access and control over the accounting system or the general ledger system;
- (13) require that the finance director review and approve all manual journal entries and supporting documentation; the treasurer shall review and approve the finance director's review and approval of manual journal entries and supporting documentation;
- (14) require that the finance director closely monitor the progress of construction projects;

(15) require that the finance director carefully document any GAAP analysis or communications with GASB and provide full and timely reports for the same to the finance committee; and

(16) retain an outside independent auditor to perform a comprehensive audit of the water commission's financial activities for each fiscal year in conformance with the standard practices of the Association of Governmental Auditors; within 30 days after the independent audit is completed, the results of the audit must be sent to the county auditor.

(70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

Sec. 4. Taxes.

(a) The board of commissioners of any county water commission may, by ordinance, impose throughout the territory of the commission any or all of the taxes provided in this Section for its corporate purposes. However, no county water commission may impose any such tax unless the commission certifies the proposition of imposing the tax to the proper election officials, who shall submit the proposition to the voters residing in the territory at an election in accordance with the general election law, and the proposition has been approved by a majority of those voting on the proposition.

The proposition shall be in the form provided in Section 5 or shall be substantially in the following form:

----- Shall the (insert corporate
name of county water commission) YES
impose (state type of tax or -----
taxes to be imposed) at the NO
rate of 1/4%?

Taxes imposed under this Section and civil penalties imposed incident thereto shall be collected and enforced by the State Department of Revenue. The Department shall have the power to administer and enforce the taxes and to determine all rights for refunds for erroneous payments of the taxes.

(b) The board of commissioners may impose a County Water Commission Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the territory of the commission at a rate of 1/4% of the gross receipts from the sales made in the course of such business within the territory. The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax except that food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicine, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, shall not be subject to tax hereunder), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes that sellers are required to collect under the Use Tax Act and under subsection (e) of Section 4.03 of the Regional Transportation Authority Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

For the purpose of determining whether a tax authorized under this paragraph is applicable, a retail sale by a producer of coal or other mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral

when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

If a tax is imposed under this subsection (b) a tax shall also be imposed under subsections (c) and (d) of this Section.

No tax shall be imposed or collected under this subsection on the sale of a motor vehicle in this State to a resident of another state if that motor vehicle will not be titled in this State.

Nothing in this paragraph shall be construed to authorize a county water commission to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

(c) If a tax has been imposed under subsection (b), a County Water Commission Service Occupation Tax shall also be imposed upon all persons engaged, in the territory of the commission, in the business of making sales of service, who, as an incident to making the sales of service, transfer tangible personal property within the territory. The tax rate shall be 1/4% of the selling price of tangible personal property so transferred within the territory. The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1a-1, 2 (except that the reference to State in the definition of supplier maintaining a place of business in this State shall mean the territory of the commission), 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax except that food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, shall not be subject to tax hereunder), 4 (except that the reference to the State shall be to the territory of the commission), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the commission), 9 (except as to the disposition of taxes and penalties collected and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the territory of the commission), the first paragraph of Section 15, 15.5, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, and any tax for which servicemen may be liable under subsection (f) of Sec. 4.03 of the Regional Transportation Authority Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

Nothing in this paragraph shall be construed to authorize a county water commission to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

(d) If a tax has been imposed under subsection (b), a tax shall also imposed upon the privilege of using, in the territory of the commission, any item of tangible personal property that is purchased outside the territory at retail from a retailer, and that is titled or registered with an agency of this State's government, at a rate of 1/4% of the selling price of the tangible personal property within the territory, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the territory. The tax shall be collected by the Department of Revenue for a county water commission. The tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the

property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest so collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of, and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3 through 3-80 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers, and except that food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, shall not be subject to tax hereunder), 4, 11, 12, 12a, 14, 15, 19 (except the portions pertaining to claims by retailers and except the last paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act and Section 3-7 of the Uniform Penalty and Interest Act that are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

(e) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit the registrant to engage in a business that is taxed under the tax imposed under paragraphs (b), (c) or (d) of this Section and no additional registration shall be required under the tax. A certificate issued under the Use Tax Act or the Service Use Tax Act shall be applicable with regard to any tax imposed under paragraph (c) of this Section.

(f) Any ordinance imposing or discontinuing any tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before June 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the county water commission as of September 1 next following the adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing.

(g) The State Department of Revenue shall, upon collecting any taxes as provided in this Section, pay the taxes over to the State Treasurer as trustee for the commission. The taxes shall be held in a trust fund outside the State Treasury. On or before the 25th day of each calendar month, the State Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois the amount to be paid to the commission, which shall be the then balance in the fund, less any amount determined by the Department to be necessary for the payment of refunds. Within 10 days after receipt by the Comptroller of the certification of the amount to be paid to the commission, the Comptroller shall cause an order to be drawn for the payment for the amount in accordance with the direction in the certification.

(h) Beginning June 1, 2016 any tax imposed pursuant to this Section may no longer be imposed or collected, unless a continuation of the tax is approved by the voters at a referendum as set forth in this Section.

(Source: P.A. 92-221, eff. 8-2-01; 93-1068, eff. 1-15-05.)

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

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

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

On motion of Representative Nekritz, SENATE BILL 941 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: 72, Yeas; 43, Nays; 0, Answering Present.

(ROLL CALL 5)

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

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

SENATE BILLS ON SECOND READING

SENATE BILL 2819. Having been reproduced, was taken up and read by title a second time. The following amendment was offered in the Committee on Insurance, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 2819 as follows:
on page 1, line 5, by replacing "Section" with "Sections 224 and"; and
on page 1, immediately below line 5, by inserting the following:

"(215 ILCS 5/224) (from Ch. 73, par. 836)

Sec. 224. Standard provisions for life policies.

(1) After the first day of July, 1937, no policy of life insurance other than industrial, group or annuities and pure endowments with or without return of premiums or of premiums and interest, may be issued or delivered in this State, unless such policy contains in substance the following provisions:

(a) A provision that all premiums after the first shall be payable in advance either at the home office of the company or to an agent of the company, upon delivery of a receipt signed by one or more of the officers who shall be designated in the policy, when such receipt is requested by the policyholder.

(b) A provision that the insured is entitled to a grace period either of 30 days or of one month within which the payment of any premium after the first may be made, subject at the option of the company to an interest charge not in excess of 6% per annum for the number of days of grace elapsing before the payment of the premium, during which period of grace the policy shall continue in force, but in case the policy becomes a claim during the grace period before the overdue premium is paid, or the deferred premiums of the current policy year, if any, are paid, the amount of such premium or premiums with interest thereon may be deducted in any settlement under the policy.

(c) A provision that the policy, together with the application therefor, a copy of which shall be endorsed upon or attached to the policy and made a part thereof, shall constitute the entire contract between the parties and that after it has been in force during the lifetime of the insured a specified time, not later than 2 years from its date, it shall be incontestable except for nonpayment of premiums and except at the option of the company, with respect to provisions relative to benefits in the event of total and permanent disability, and provisions which grant additional insurance specifically against death by accident and except for violations of the conditions of the policy relating to naval or military service in time of war or for violation of an express condition, if any, relating to aviation, (except riding as a fare-paying passenger of a commercial air line flying on regularly scheduled routes between definitely established airports) in which case the liability of the company shall be fixed at a definitely determined amount not less than the full reserve for the policy and any dividend additions; provided that the application therefor need not be attached to or made a part of any policy containing a clause making the policy incontestable from date of issue.

(d) A provision that if it is found at any time before final settlement under the policy

that the age of the insured (or the age of the beneficiary, if considered in determining the premium) has been misstated, the amount payable under the policy shall be such as the premium would have purchased at the correct age or ages, according to the company's published rate at date of issue.

(e) A provision that the policy shall participate annually in the surplus of the company beginning not later than the end of the third policy year; and any policy containing provision for annual participation beginning at the end of the first policy year, may also provide that each dividend be paid subject to the payment of the premiums for the next ensuing year; and the insured under any annual dividend policy shall have the right each year to have the dividend arising from such participation either paid in cash, or applied in reduction of premiums, or applied to the purchase of paid-up additional insurance, or be left to accumulate to the credit of the policy, with interest at such rate as may be determined from time to time by the company, but not less than a guaranteed minimum rate specified in the policy, and payable at the maturity of the policy, but withdrawable on any anniversary date, subject to such further provisions as the policy may provide regarding the application of dividends toward the payment of any premiums unpaid at the end of the grace period; and if the insured fails to notify the company in writing of his election within the period of grace allowed for the payment of premium, the policy shall further provide which of such options are effective.

(f) A provision that after the policy has been in force 3 full years the company at any time, while the policy is in force, will advance, on proper assignment or pledge of the policy and on the sole security thereof, at a specified maximum fixed or adjusted rate of interest in accordance with Section 229.5, a sum equal to, or at the option of the insured less than the amount required by Section 229.3 under the conditions specified thereby and with notification as required by Section 229.5; and that the company will deduct from such loan value any indebtedness not already deducted in determining such value and any unpaid balance of the premium for the current policy year, and may collect interest in advance on the loan to the end of the current policy year; and any policy may also provide that if the interest on the loan is not paid when due it shall be added to the existing loan and shall bear interest at the same rate. No condition other than as provided herein or in Sections 229.3 and 229.5 shall be exacted as a prerequisite to any such loan. This clause shall not apply to term insurance.

(g) A provision for nonforfeiture benefits and cash surrender values in accordance with the requirements of paragraph (1) of Section 229.1 or, Section 229.2.

(h) A table showing in figures the loan values and the options available under the policy each year, upon default in premium payments, during at least the first 20 years of the policy; the policy to contain a provision that the company will furnish upon request an extension of such table beyond the years shown in the policy.

(i) A provision that in event of default in premium payments the value of the policy is applied to the purchase of other insurance as provided in this Section, and if such insurance is in force and the original policy is not surrendered to the company and cancelled, the policy may be reinstated within 3 years from such default, upon evidence of insurability satisfactory to the company and payment of arrears of premiums and the payment or reinstatement of any other indebtedness to the company upon the policy, with interest on the premiums at a rate not exceeding 6% per annum payable annually and with interest on the indebtedness at a rate not exceeding the rate prescribed by Section 229.5.

(j) A provision that when a policy is a claim by the death of the insured settlement shall be made upon receipt of due proof of death.

An insurer may require a beneficiary to provide (1) a certified copy of the insured's final death certificate and the death certificate of any beneficiary who predeceased the insured; (2) a statement signed by the beneficiary, stating the name, address, and date of birth of the beneficiary, stating the beneficiary's relationship to the insured, and stating the method of payment; (3) a statement signed by the beneficiary identifying co-beneficiaries, if any; (4) government-issued photographic identification; (5) an authorization signed by the beneficiary to permit the insurer to investigate the claim; and (6) any tax reporting information necessary to allow the insurer to comply with any tax law or regulation.

If an individual is acting on behalf of the beneficiary, then the insurer may require the individual to provide documentation showing the legal authority of that individual to so act.

The insurer may obtain any additional information or documents necessary to determine the extent of its liability, to identify the proper beneficiary, or to comply with the law; but the insurer may not require a beneficiary to provide information or documents otherwise available to the insurer. Settlement shall be made ~~and~~ not later than 2 months after the receipt of such proof.

(k) If the policy provides for payment of its proceeds in installments, a table showing the amount and period of such installments shall be included in the policy.

(l) Interest shall accrue on the proceeds payable because of the death of the insured, from date of death, at the rate of 9% on the total amount payable or the face amount if payments are to be made in installments until the total payment or first installment is paid, unless payment is made within fifteen (15) days from the date of receipt by the company of due proof of loss. This provision need not appear in the policy, however, the company shall notify the beneficiary at the time of claim of this provision. ~~The payment of interest shall apply to all policies now in force, as well as those written after the effective date of this amendment.~~

Due proof of loss shall consist of information and documents necessary for the insurer to determine its liability, pay the proceeds, and be discharged from liability. An insurer may include a provision in the policy describing proof of loss, provided that such provision is not inconsistent with this subsection.

(m) Title on the face and on the back of the policy briefly describing its form.

(n) A provision, or a notice attached to the policy, to the effect that during a period of ten days from the date the policy is delivered to the policy owner, it may be surrendered to the insurer together with a written request for cancellation of the policy and in such event, the insurer will refund any premium paid therefor, including any policy fees or other charges. The Director may by rule exempt specific types of policies from the requirements of this subsection.

(2) In the case of the replacement of life insurance, as defined in the rule promulgated by the Director, the replacing insurer shall either (1) delay the issuance of its policy for not less than 20 days from the date it has transmitted a policy summary to the existing insurer, or (2) provide in a form titled "Notice Regarding Replacement of Life Insurance", as well as in its policy, or in a separate notice delivered with the policy, that the insured has the right to an unconditional refund of all premiums paid, and that such right may be exercised within a period of 20 days commencing from the date of delivery of such policy. Where option (2) is exercised, the replacing insurer shall also transmit a policy summary to the existing insurer within 3 working days after the date the replacement policy is issued.

(3) Any of the foregoing provisions or portions thereof not applicable to single premium or nonparticipating or term policies shall to that extent not be incorporated therein. This Section shall not apply to policies of reinsurance nor to policies issued or granted pursuant to the nonforfeiture provisions prescribed in subparagraph (g) of paragraph (1) of this Section.

(Source: P.A. 92-139, eff. 7-24-01.)"

Representative Osmond offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend Senate Bill 2819, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, as follows:

by replacing line 11 on page 6 through line 6 on page 7 with the following:

"Such proof shall be in writing and establish (1) the fact and date of the insured's death, (2) the claimant's identity, and (3) the claimant's interest and the extent thereof. Such proof includes information and documents necessary for the insurer to determine its liability, pay the claim in compliance with all laws and regulations, and be discharged from liability. A claimant shall not be required to provide documents otherwise available to"; and

on page 7, by replacing lines 20 through 23 with the following:

"the beneficiary at the time of claim of this provision. The payment of interest shall apply to all policies now in force, as well as those written after the effective date of this amendment."

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 3695. Having been recalled on April 23, 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 the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend Senate Bill 3695 on page 1, by replacing line 5 with the following: "Sections 5.777, 5.778, 6z-82, and 8p as follows:"; and on page 1, by inserting immediately below line 8 the following:

"(30 ILCS 105/5.778 new)

Sec. 5.778. The State Police Operations Assistance Fund.

(30 ILCS 105/6z-82 new)

Sec. 6z-82. State Police Operations Assistance Fund.

(a) There is created in the State treasury a special fund known as the State Police Operations Assistance Fund. The Fund shall receive revenue pursuant to Section 27.3a of the Clerks of Courts Act. The Fund may also receive revenue from grants, donations, appropriations, and any other legal source.

(b) The Department of State Police may use moneys in the Fund to finance any of its lawful purposes or functions.

(c) Expenditures may be made from the Fund only as appropriated by the General Assembly by law.

(d) Investment income that is attributable to the investment of moneys in the Fund shall be retained in the Fund for the uses specified in this Section."; and

on page 1, by inserting immediately below line 19 the following:

"Section 6. The Clerks of Courts Act is amended by changing Section 27.3a as follows:

(705 ILCS 105/27.3a) (from Ch. 25, par. 27.3a)

Sec. 27.3a. Fees for automated record keeping and State Police operations.

1. The expense of establishing and maintaining automated record keeping systems in the offices of the clerks of the circuit court shall be borne by the county. To defray such expense in any county having established such an automated system or which elects to establish such a system, the county board may require the clerk of the circuit court in their county to charge and collect a court automation fee of not less than \$1 nor more than \$15 to be charged and collected by the clerk of the court. Such fee shall be paid at the time of filing the first pleading, paper or other appearance filed by each party in all civil cases or by the defendant in any felony, traffic, misdemeanor, municipal ordinance, or conservation case upon a judgment of guilty or grant of supervision, provided that the record keeping system which processes the case category for which the fee is charged is automated or has been approved for automation by the county board, and provided further that no additional fee shall be required if more than one party is presented in a single pleading, paper or other appearance. Such fee shall be collected in the manner in which all other fees or costs are collected.

1.5. Starting on the effective date of this amendatory Act of the 96th General Assembly, a clerk of the circuit court in any county that imposes a fee pursuant to subsection 1 of this Section, shall charge and collect an additional fee in an amount equal to the amount of the fee imposed pursuant to subsection 1 of this Section. This additional fee shall be paid by the defendant in any felony, traffic, misdemeanor, local ordinance, or conservation case upon a judgment of guilty or grant of supervision.

2. With respect to the fee imposed under subsection 1 of this Section, each ~~Each~~ clerk shall commence such charges and collections upon receipt of written notice from the chairman of the county board together with a certified copy of the board's resolution, which the clerk shall file of record in his office.

3. With respect to the fee imposed under subsection 1 of this Section, such ~~Such~~ fees shall be in addition to all other fees and charges of such clerks, and assessable as costs, and may be waived only if the judge specifically provides for the waiver of the court automation fee. The fees shall be remitted monthly by such clerk to the county treasurer, to be retained by him in a special fund designated as the court automation fund. The fund shall be audited by the county auditor, and the board shall make expenditure from the fund in payment of any cost related to the automation of court records, including hardware, software, research and development costs and personnel related thereto, provided that the expenditure is approved by the clerk of the court and by the chief judge of the circuit court or his designate.

4. With respect to the fee imposed under subsection 1 of this Section, such ~~Such~~ fees shall not be charged in any matter coming to any such clerk on change of venue, nor in any proceeding to review the decision of any administrative officer, agency or body.

5. With respect to the additional fee imposed under subsection 1.5 of this Section, the fee shall be remitted by the circuit clerk to the State Treasurer within one month after receipt for deposit into the State Police Operations Assistance Fund.

(Source: P.A. 94-595, eff. 1-1-06.)"

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was again advanced to the order of Third Reading.

SENATE BILL 3295. Having been reproduced, was taken up and read by title a second time. Representative Turner offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend Senate Bill 3295 on page 20, line 22, by inserting "as required by law or" after "only"; and on page 24, by replacing lines 8 through 11 with the following:

"(a) The Department of State Police shall retain records sealed under subsection (c) or (e) of Section 5.2 or impounded under subparagraph (B) of paragraph (9) of subsection (d) of Section 5.2 and shall release them only as authorized by this Act. Felony records sealed under subsection (c) or (e) of Section 5.2 or impounded under subparagraph (B) of paragraph (9) of subsection (d) of Section 5.2 shall be used"; and on page 24, line 22, by inserting "or impounded" after "sealed"; and on page 25, line 1, by inserting "or impounded" after "sealed".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Berrios, SENATE BILL 387 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 116, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 6)

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

Ordered that the Clerk inform the Senate.

On motion of Representative Phelps, SENATE BILL 575 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: 77, Yeas; 39, Nays; 0, Answering Present.

(ROLL CALL 7)

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

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

On motion of Representative Reboletti, SENATE BILL 2350 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 116, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 8)

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

Ordered that the Clerk inform the Senate.

On motion of Representative Smith, SENATE BILL 2497 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 102, Yeas; 14, Nays; 0, Answering Present.

(ROLL CALL 9)

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

Ordered that the Clerk inform the Senate.

On motion of Representative Walker, SENATE BILL 2551 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; 1, Answering Present.

(ROLL CALL 10)

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

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

RECALL

At the request of the principal sponsor, Representative DeLuca, SENATE BILL 2612 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

SENATE BILL ON THIRD READING

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

On motion of Representative McAsey, SENATE BILL 3028 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 115, Yeas; 1, Nay; 0, Answering Present.

(ROLL CALL 11)

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

Ordered that the Clerk inform the Senate.

On motion of Representative Careen Gordon, SENATE BILL 3029 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 116, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 12)

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

Ordered that the Clerk inform the Senate.

On motion of Representative Flowers, SENATE BILL 3047 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: 76, Yeas; 41, Nays; 0, Answering Present.

(ROLL CALL 13)

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

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

RECALL

At the request of the principal sponsor, Representative Yarbrough, SENATE BILL 851 was recalled from the order of Third Reading to the order of Second Reading.

SENATE BILL ON SECOND READING

SENATE BILL 851. Having been recalled on April 29, 2010, the same was again taken up. Representative Yarbrough offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 851 on page 1, by inserting after line 3 the following:
"Section 3. The Mental Health and Developmental Disabilities Code is amended by changing Section 1-122 as follows:

(405 ILCS 5/1-122) (from Ch. 91 1/2, par. 1-122)

Sec. 1-122. Qualified examiner. "Qualified examiner" means a person who is:

(a) a Clinical social worker as defined in this Act,

(b) a registered nurse with a master's degree in psychiatric nursing who has 3 years of clinical training and experience in the evaluation and treatment of mental illness which has been acquired subsequent to any training and experience which constituted a part of the degree program, ~~or~~

(c) a licensed clinical professional counselor with a master's or doctoral degree in counseling or psychology or a similar master's or doctorate program from a regionally accredited institution who has at least 3 years of supervised postmaster's clinical professional counseling experience that includes the provision of mental health services for the evaluation, treatment, and prevention of mental and emotional disorders, or -

(d) a licensed marriage and family therapist with a master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution or a similar master's program or from a program accredited by either the Commission on Accreditation for Marriage and Family Therapy or the Commission on Accreditation for Counseling Related Educational Programs, who has at least 3 years of supervised post-master's experience as a marriage and family therapist that includes the provision of mental health services for the evaluation, treatment, and prevention of mental and emotional disorders.

A social worker who is a qualified examiner shall be a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act.

(Source: P.A. 91-536, eff. 1-1-00.)".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was again advanced to the order of Third Reading.

SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Tryon, SENATE BILL 3070 was taken up and read by title a third time.

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

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

(ROLL CALL 14)

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

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

On motion of Representative Chapa LaVia, SENATE BILL 3117 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 116, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 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.

RECALL

At the request of the principal sponsor, Representative Ramey, SENATE BILL 3176 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Verschoore, SENATE BILL 3288 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: 74, Yeas; 42, Nays; 0, Answering Present.

(ROLL CALL 16)

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

Ordered that the Clerk inform the Senate.

On motion of Representative Joyce, SENATE BILL 3588 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 115, Yeas; 1, Nay; 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.

On motion of Representative Jehan Gordon, SENATE BILL 3543 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 113, Yeas; 3, Nays; 0, Answering Present.

(ROLL CALL 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.

On motion of Representative Jehan Gordon, SENATE BILL 3389 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 116, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 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.

On motion of Representative McAuliffe, SENATE BILL 3637 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:
116, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 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.

On motion of Representative Fritchey, SENATE BILL 3747 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:
115, Yeas; 1, Nay; 0, Answering Present.
(ROLL CALL 21)

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

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

SENATE BILLS ON SECOND READING

SENATE BILL 731. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend Senate Bill 731 on page 5, by deleting lines 14 through 18.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 2554. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Personnel and Pensions, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 2554 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Section 7-173 as follows:
(40 ILCS 5/7-173) (from Ch. 108 1/2, par. 7-173)

Sec. 7-173. Contributions by employees.

(a) Each participating employee shall make contributions to the fund as follows:

1. For retirement annuity purposes, normal contributions of 3 3/4% of earnings.
2. Additional contributions of such percentages of each payment of earnings, as shall be elected by the employee for retirement annuity purposes, but not in excess of 10%. The selected rate shall be applicable to all earnings ~~paid beginning on the first day of the second month~~ following receipt by the Board of written notice of election to make such contributions. Additional contributions at the selected rate shall be made concurrently with normal contributions.

3. Survivor contributions, by each participating employee, of 3/4% of each payment of earnings.

(b) Each employee shall make contributions to the fund for Federal Social Security taxes, for periods during which he is a covered employee, as required by the Social Security Enabling Act. For participating employees, such contributions shall be in addition to those required under paragraph (a) of this Section.

(c) Contributions shall be deducted from each corresponding payment of earnings paid to each employee and shall be remitted to the board by the participating municipality or participating instrumentality making such payment. The remittance, together with a report of the earnings and contributions shall be made as directed by the board. For township treasurers and employees of township treasurers qualifying as employees hereunder, the contributions herein required as deductions from salary shall be withheld by the school township trustees from funds available for the payment of the compensation of such treasurers and employees as provided in the School Code and remitted to the board.

(d) An employee who has made additional contributions under paragraph (a)2 of this Section may upon retirement or at any time prior thereto, elect to withdraw the total of such additional contributions including interest credited thereon to the end of the preceding calendar year.

(e) Failure to make the deductions for employee contributions provided in paragraph (c) of this Section shall not relieve the employee from liability for such contributions. The amount of such liability may be deducted, with interest charged under Section 7-209, from any annuities or benefits payable hereunder to the employee or any other person receiving an annuity or benefit by reason of such employee's participation.

(f) A participating employee who has at least 40 years of creditable service in the Fund may elect to cease making the contributions required under this Section. The status of the employee under this Article shall be unaffected by this election, except that the employee shall not receive any additional creditable service for the periods of employment following the election. An election under this subsection relieves the employer from making additional employer contributions in relation to that employee.

(Source: P.A. 87-1265.)

Section 90. The State Mandates Act is amended by adding Section 8.34 as follows:

(30 ILCS 805/8.34 new)

Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 96th General Assembly.

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

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 2602. 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 Senate Bill 2602 on page 1, line 22, after "any", by inserting "structural"; and

on page 5, line 9, by deleting "contiguous"; and

on page 5, line 13, by deleting "contiguous"; and

on page 5, line 16, by deleting "contiguous"; and

on page 17, by replacing lines 16 through 18 with "or agency thereof. However, the State or agency thereof or any unit of local government shall not be required to pay any fees, nor".

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 3281. Having been reproduced, was taken up and read by title a second time.

Representative McCarthy offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend Senate Bill 3281 by replacing everything after the enacting clause with the following:

"Section 5. The State Comptroller Act is amended by adding Section 24.5 as follows:

(15 ILCS 405/24.5 new)

Sec. 24.5. Reports of unfunded programs. By each October 1, each State agency under the jurisdiction of the Governor may report to the Comptroller, and post on the agency's official Internet website or on the

official Internet website of the Office of the Governor if the agency does not have an official website, all of that agency's programs and program expansions created by State statute that have been unfunded for the previous 3 fiscal years. Beginning in 2012, by January 1 of each year the Comptroller shall post on his or her official Internet website his or her compilation of the information reported by State agencies under this Section in the preceding calendar year."

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 3320. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment & Energy, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 3320 on page 24, immediately below line 19, by inserting the following:

"(4) The disposal of soil that does not exceed industrial/commercial property remediation objectives, but that does exceed residential property remediation objectives, if industrial/commercial property remediation objectives were used pursuant to subdivision (c)(3)(A)(ii) of Section 57.7 of this Act and the owner or operator demonstrates that (i) the contamination is the result of the release for which the owner or operator is eligible to seek payment from the Fund and (ii) disposal of the soil is necessary as a result of construction activities conducted after the issuance of a No Further Remediation Letter on the site where the release occurred, including, but not limited to, the following: tank, line, or canopy repair, replacement, or removal; building upgrades; sign installation; and water or sewer line replacement.

(5) The disposal of water exceeding groundwater remediation objectives that is removed from an excavation on the site where the release occurred if a groundwater ordinance is used as an institutional control pursuant to subdivision (c)(3)(A)(iii) of Section 57.7 of this Act, or if an on-site groundwater use restriction is used as an institutional control pursuant to subdivision (c)(3)(A)(iv) of Section 57.7, and the owner or operator demonstrates that (i) the excavation is located within the measured or modeled extent of groundwater contamination resulting from the release for which the owner or operator is eligible to seek payment from the Fund and (ii) disposal of the groundwater is necessary as a result of construction activities conducted after the issuance of a No Further Remediation Letter on the site where the release occurred, including, but not limited to, the following: tank, line, or canopy repair, replacement, or removal; building upgrades; sign installation; and water or sewer line replacement."

There being no further amendment(s), 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: SENATE BILL 3446.

SENATE BILL 3661. 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 Senate Bill 3661 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Lottery Law is amended by adding Section 10.8 as follows:

(20 ILCS 1605/10.8 new)

Sec. 10.8. Specialty retailers license.

(a) "Veterans service organization" means an organization that:

(1) is formed by and for United States military veterans;

(2) is chartered by the United States Congress and incorporated in the State of Illinois;

- (3) maintains a state headquarters office in the State of Illinois; and
- (4) is not funded by the State of Illinois or by any county in this State.

(b) The Division shall establish a special classification of retailer license to facilitate the year-round sale of the instant scratch-off lottery game established by the General Assembly in Section 21.6. The fees set forth in Section 10.2 do not apply to a specialty retailer license.

The holder of a specialty retailer license (i) shall be a veterans service organization, (ii) may sell only specialty lottery tickets established for the benefit of the Veterans Assistance Fund in the State Treasury, (iii) is required to purchase those tickets up front at face value from the Illinois Lottery, and (iv) must sell those tickets at face value. Specialty retailers may obtain a refund from the Division for any unsold specialty tickets that they have purchased for resale, as set forth in the specialty retailer agreement.

Specialty retailers shall receive a sales commission equal to 2% of the face value of specialty game tickets purchased from the Department, less adjustments for unsold tickets returned to the Illinois Lottery for credit. Specialty retailers may not cash winning tickets, but are entitled to a 1% bonus in connection with the sale of a winning specialty game ticket having a price value of \$1,000 or more.

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

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 3762. Having been recalled on April 28, 2010, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 3712 and 3781.

SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Mautino, SENATE BILL 1826 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 116, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 22)

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

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

On motion of Representative Turner, SENATE BILL 3173 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 115, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 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.

SENATE 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: SENATE BILL 3215.

RECALL

At the request of the principal sponsor, Representative Mautino, SENATE BILL 3215 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

SENATE BILLS ON SECOND READING

SENATE BILL 2556. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment & Energy, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 2556 as follows:
on page 2, by replacing lines 1 through 9 with the following:

"Prevention District Act; provided, however, that an area that lies within a flood prevention district established in accordance with the Flood Prevention District Act shall be deemed by operation of law to be within the 100-year floodplain if, according to the currently adopted federal flood insurance rate map, the area is subject to inundation by a 100-year flood from bodies of water other than the Mississippi River.";
and

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

"Act; provided, however, that an area that lies within a flood prevention district established in accordance with the Flood Prevention District Act shall be deemed by operation of law to be within the 100-year floodplain if, according to the currently adopted federal flood insurance rate map, the area is subject to inundation by a 100-year flood from bodies of water other than the Mississippi River."; and

on page 3, line 12, by replacing "Section 18h" with "Sections 18h, 18i, and 18j"; and

on page 5, by replacing lines 17 through 24, with the following:

"District Act; provided, however, that an area that lies within a flood prevention district established in accordance with the Flood Prevention District Act shall be deemed by operation of law to be within the 100-year floodplain if, according to the currently adopted federal flood insurance rate map, the area is subject to inundation by a 100-year flood from bodies of water other than the Mississippi River."; and

on page 9, immediately below line 16, by inserting the following:

"(615 ILCS 5/18i new)

Sec. 18i. Maintenance of eligibility to participate in the National Flood Insurance Program. Nothing in this amendatory Act of the 96th General Assembly shall be construed to diminish or conflict with the authority and the obligation of local governments to adopt and enforce local ordinances and regulations necessary to maintain eligibility to participate fully in the National Flood Insurance Program and for property owners to purchase federal flood insurance. A local government located in an area that is (i) protected by a federal levee and (ii) located in a flood prevention district established in accordance with the Flood Prevention District Act must adopt and maintain ordinances and floodplain management regulations that meet the requirements of 44 C.F.R. 60.3, 60.4, and 60.5, and it must submit copies of those documents to the Federal Emergency Management Agency as required by federal law.

(615 ILCS 5/18j new)

Sec. 18j. ESDA critical facility evacuation plans. Any critical facility that gives shelter to a person who would be unable to evacuate without assistance during a flooding event, and that is located in an area deemed by operation of law not to be within the 100-year floodplain because the area in which the critical facility is located lies within an area protected by a federal levee and is located in a flood prevention district established in accordance with the Flood Prevention District Act shall develop an evacuation plan and certify to the Emergency Services and Disaster Agency (ESDA), as defined by Section 4 of the Illinois Emergency Management Act, on a form provided by the ESDA, that it has developed an evacuation plan which the critical facility has or will implement prior to or concurrent with occupancy of the facility to evacuate persons who need assistance evacuating the facility and the flooded area."

Representative Hoffman offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend Senate Bill 2556, AS AMENDED, by deleting all of Section 10; and in Section 15, in Sec. 18i, by replacing all of the final sentence with the following:

"If a local government located in an area that (i) is protected by a federal levee and (ii) located in a flood prevention district established in accordance with the Flood Prevention District Act chooses to participate in the National Flood Insurance Program, it must adopt and maintain ordinances and floodplain management regulations that meet the requirements of 44 C.F.R. 60.3, 60.4, and 60.5, and it must submit copies of those documents to the Federal Emergency Management Agency as required by federal law."

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 2996. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Financial Institutions, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 2996 as follows:
on page 5, immediately below line 21, by inserting the following:

"Section 7. The Illinois Bank Examiners' Education Foundation Act is amended by changing Sections 3.01, 4, and 5 as follows:

(20 ILCS 3210/3.01) (from Ch. 17, par. 403.1)

Sec. 3.01. "Board" means the State Banking Board of Illinois as established under the provisions of the Illinois Banking Act ~~Board of Trustees of the Illinois Bank Examiners' Education Foundation created by this Act.~~

(Source: P.A. 84-1127.)

(20 ILCS 3210/4) (from Ch. 17, par. 404)

Sec. 4. The Foundation shall establish an endowment fund with the monies in the Illinois Bank Examiners' Education Fund. The income from such Fund shall be used to pay for continuing education and professional training activity for the examination employees of the Commissioner's office authorized by the ~~Board of the Illinois Bank Examiners' Education Program~~ and to pay for reasonable expenses incurred by the Board in the course of administering its official duties under this Act. The continuing education and professional training activity to be funded by the Foundation shall be a supplement to the education and training expenditures regularly being made from the Bank & Trust Company Fund for such purposes.

(Source: P.A. 84-1127.)

(20 ILCS 3210/5) (from Ch. 17, par. 405)

Sec. 5. The Foundation shall be governed by the a Board of Trustees. The Board shall consist of the following trustees: the Commissioner, who shall be its chairman; one Class A member and three Class B members from the State Banking Board of Illinois, appointed by the Governor.

For carrying out their official duties under this Act, the Board members ~~The terms of the trustees of the Foundation who are members of the State Banking Board of Illinois are to be coextensive with their terms on the State Banking Board of Illinois. An appointment to fill a vacancy shall be for the unexpired term of the trustee whose term is being filled.~~ Trustees shall receive no compensation ~~for service on the Board~~, but shall be reimbursed for all reasonable and necessary expenditures incurred in the performance of said their official ~~their~~ duties.

(Source: P.A. 84-1127.); and

by replacing line 3 on page 11 through line 3 on page 15 with the following:

"(20 ILCS 5/32) (from Ch. 17, par. 339)

Sec. 32. Basic loaning limits. The liabilities outstanding at one time to a state bank of a person for money borrowed, including the liabilities of a partnership or joint venture in the liabilities of the several members thereof, shall not exceed 25% of the amount of the unimpaired capital and unimpaired surplus of the bank.

The liabilities to any state bank of a person may exceed 25% of the unimpaired capital and unimpaired surplus of the bank, provided that (i) the excess amount from time to time outstanding is fully secured by readily marketable collateral having a market value, as determined by reliable and continuously available quotations, at least equal to the excess amount outstanding; and (ii) the total liabilities shall not exceed 30% of the unimpaired capital and unimpaired surplus of the bank.

The following shall not be considered as money borrowed within the meaning of this Section:

(1) The purchase or discount of bills of exchange drawn in good faith against actually

existing values.

(2) The purchase or discount of commercial or business paper actually owned by the person negotiating the same.

(3) The purchase of or loaning money in exchange for evidences of indebtedness which shall be secured by mortgage or trust deed upon productive real estate the value of which, as ascertained by the oath of 2 qualified appraisers, neither of whom shall be an officer, director, or employee of the bank or of any subsidiary or affiliate of the bank, is double the amount of the principal debt secured at the time of the original purchase of evidence of indebtedness or loan of money and which is still double the amount of the principal debt secured at the time of any renewal of the indebtedness or loan, and which mortgage or trust deed is shown, either by a guaranty policy of a title guaranty company approved by the Commissioner or by a registrar's certificate of title in any county having adopted the provisions of the Registered Titles (Torrens) Act, or by the opinion of an attorney-at-law, to be a first lien upon the real estate therein described, and real estate shall not be deemed to be encumbered within the meaning of this subsection (3) by reason of the existence of instruments reserving rights-of-way, sewer rights and rights in wells, building restrictions or other restrictive covenants, nor by reason of the fact it is subject to lease under which rents or profits are reserved by the owners.

(4) The purchase of marketable investment securities.

(5) The liability to a state bank of a person who is an accommodation party to, or guarantor of payment for, any evidence of indebtedness of another person who obtains a loan from or discounts paper with or sells paper to the state bank; but the total liability to a state bank of a person as an accommodation party or guarantor of payment in respect of such evidences of indebtedness shall not exceed 25% of the amount of the unimpaired capital and unimpaired surplus of the bank; provided however that the liability of an accommodation party to paper excepted under subsection 2 of this Section shall not be included in the computation of this limitation.

(6) The liability to a state bank of a person, who as a guarantor, guarantees collection of the obligation or indebtedness of another person.

The total liabilities of any one person, for money borrowed, or otherwise, shall not exceed 25% of the deposits of the bank, and those total liabilities shall at no time exceed 50% of the amount of the unimpaired capital and unimpaired surplus of the bank. Absent an actual unremedied breach, the obligation or responsibility for breach of warranties or representations, express or implied, of a person transferring negotiable or non-negotiable paper to a bank without recourse and without guaranty of payment, shall not be included in determining the amount of liabilities of the person to the bank for borrowed money or otherwise; and in the event of and to the extent of an unremedied breach, the amount remaining unpaid for principal and interest on the paper in respect of which the unremedied breach exists shall thereafter for the purpose of determining whether subsequent transactions giving rise to additional liability of the person to the state bank for borrowed money or otherwise are within the limitations of Sections 32 through 34 of this Act, be included in computing the amount of liabilities of the person for borrowed money or otherwise.

The liability of a person to a state bank on account of acceptances made or issued by the state bank on behalf of the person shall be included in the computation of the total liabilities of the person for money borrowed except to the extent the acceptances grow out of transactions of the character described in subsection (6) of Section 34 of this Act and are otherwise within the limitations of that subsection; provided nevertheless that any such excepted acceptances acquired by the state bank which accepted the same shall be included in the computation of the liabilities of the person to the state bank for money borrowed.

The Secretary may adopt rules to address the funding by banks of any loan commitment, when such funding would involve additional extensions of credit to be made after the unimpaired capital and unimpaired surplus of the bank have decreased and the Secretary determines that such decrease in unimpaired capital and unimpaired surplus would cause the additional extensions of credit to result in an unsafe and unsound condition.

(Source: P.A. 92-336, eff. 8-10-01; 92-573, eff. 6-26-02.); and

on page 33, by replacing lines 11 and 12 with the following:

"this Act, any order of the Commissioner, or any other action"; and

on page 47, line 25, by replacing "and 10-1" with "10-1, and 11-1"; and

on page 81, immediately below line 18, by inserting the following:

"(205 ILCS 105/11-1) (from Ch. 17, par. 3311-1)

Sec. 11-1. Offenses and penalties. Any person who violates the provisions of Sections 3-9, 3-10, 5-11 or 5-12 (b) of this Act is guilty of a Business Offense.

The Commissioner, in addition to any other powers granted in this Act, shall have the power and

authority to impose civil penalties of up to \$100,000 against any person for each violation of any provision of this Act, any rule promulgated in accordance with this Act, any order of the Commissioner, or any other action that in the Commissioner's discretion is an unsafe or unsound banking practice.

(Source: P.A. 86-137.)"; and

on page 81, line 20, by replacing "and 9004," with "9004, and 11006,"; and

on page 82, line 3, by replacing "of Banks and Real Estate" with "~~of Banks and Real Estate~~"; and

on page 97, line 2, by replacing "the hearing" with "a hearing"; and

on page 109, line 24, by replacing "the savings" with "such savings"; and

on page 113, immediately below line 8, by inserting the following:

"(205 ILCS 205/11006) (from Ch. 17, par. 7311-6)

Sec. 11006. Civil penalties. The Commissioner, in addition to any other powers granted in this Act, shall have the power and authority to:

(1) Impose civil penalties of up to ~~\$100,000~~ \$10,000 against any person for each violation of any provision of this Act, any rule promulgated in accordance with this Act, any order of the Commissioner, or any other action that in the Commissioner's discretion, is an unsafe or unsound banking practice.

(2) Impose civil penalties of up to \$100 against any person for the first failure to comply with reporting requirements set forth in the report of examination of the bank and up to \$200 for the second and subsequent failures to comply with those reporting requirements.

(Source: P.A. 86-1213.)"; and

on page 114, immediately below line 2, by inserting the following:

"(2.5) To order restitution to consumers suffering damages resulting from violations of this Act, rules promulgated in accordance with this Act, or other laws or regulations related to the operation of a pawnshop."; and

on page 116, by replacing lines 20 and 21 with the following:

"officer, director, employee, or agent of the pawnshop who engages in or has engaged in unlawful activities that relate to the operation of a pawnshop."; and

on page 116, line 24, by replacing "establish" with "established"; and

by replacing line 13 on page 120 through line 4 on page 122 with the following:

"(205 ILCS 510/5.5 new)

Sec. 5.5. Replacement of articles or property; insurance. In the event that any articles or property pledged are lost or rendered inoperable the pawnbroker shall replace the articles or property with identical articles or property, except that if the pawnbroker cannot reasonably obtain identical articles or property, the pawnbroker shall replace the articles or property with like articles or property.

No pawnbroker shall conduct business in this State, unless the pawnbroker maintains insurance coverage covering all hazards equal to at least 2 times the aggregate value of the outstanding loans for items held in pawn. Such insurance shall be obtained from an insurance company authorized to do business in Illinois

The pawnbroker shall file a copy of proof of insurance coverage with the Secretary. A pawnbroker or an insurance company shall not cancel the insurance coverage except upon notice to the Secretary by certified mail, return receipt requested. The cancellation is not effective prior to 30 days after the Secretary receives the notice."

AMENDMENT NO. 2. Amend Senate Bill 2996 as follows:

on page 113, line 10, by replacing "Section 5.5" with "Sections 5.5 and 12"; and

on page 122, immediately above line 5, by inserting the following:

"(205 ILCS 510/12 new)

Sec. 12. Hold order.

(a) For the purposes of this Section "hold order" means a written legal instrument issued to a pawnbroker by a law enforcement officer commissioned by the law enforcement agency of the municipality or county that licenses and regulates the pawnbroker, ordering the pawnbroker to retain physical possession of pledged goods in the possession of the pawnbroker or property purchased by and in the possession of the pawnbroker and not to return, sell, or otherwise dispose of such property as such property is believed to be misappropriated goods.

(b) Upon written notice from a law enforcement officer indicating that property in the possession of a pawnbroker and subject to a hold order is needed for the purpose of furthering a criminal investigation and prosecution, the pawnbroker shall release the property subject to the hold order to the custody of the law enforcement officer for such purpose and the officer shall provide a written acknowledgment that the property has been released to the officer. The release of the property to the custody of the law enforcement

officer shall not be considered a waiver or release of the pawnbroker's property rights or interest in the property. Upon completion of the criminal investigation, the property shall be returned to the pawnbroker who consented to its release; except that, if the law enforcement officer has not completed the criminal investigation within 120 days after its release, the officer shall immediately return the property to the pawnbroker or obtain and furnish to the pawnbroker a warrant for the continued custody of the property.

The pawnbroker shall not release or dispose of the property except pursuant to a court order or the expiration of the holding period of the hold order, including all extensions.

In cases where criminal charges have been filed and the property may be needed as evidence, the prosecuting attorney shall notify the pawnbroker in writing. The notice shall contain the case number, the style of the case, and a description of the property. The pawnbroker shall hold such property until receiving notice of the disposition of the case from the prosecuting attorney. The prosecuting attorney shall notify the pawnbroker and claimant in writing within 15 days after the disposition of the case."

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

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

On motion of Representative Collins, SENATE BILL 2605 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 116, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 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.

SENATE BILL ON SECOND READING

SENATE BILL 3509. Having been recalled on April 28, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Saviano offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend Senate Bill 3509 on page 2, line 24, after "Act", by inserting "or examination designations required for licensure under his or her licensing Act"; and on page 3, line 22, immediately after "Act", by inserting ", examination designations required for licensure under his or her licensing Act, or the titles".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was again advanced to the order of Third Reading.

SENATE JOINT RESOLUTIONS CONSTITUTIONAL AMENDMENTS THIRD READING

SENATE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 121 was taken up and read in full a third time.

The Chair placed this bill on unlimited debate.

Representative Currie moved the passage of the resolution.

And the question being, "Shall this resolution pass?" it was decided in the negative by the following vote:

69, Yeas; 47, Nays; 0, Answering Present.

(ROLL CALL 25)

This resolution, having failed to receive the votes of three-fifths of the Members elected, was declared lost.

SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Ford, SENATE BILL 3546 was taken up and read by title a third time.

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

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

(ROLL CALL 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.

On motion of Representative Ford, SENATE BILL 3706 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; 20, 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.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182 and 1183 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

At the hour of 3:50 o'clock p.m., Representative Currie moved that the House do now adjourn until Friday, April 30, 2010, at 9:30 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

April 29, 2010

0 YEAS

0 NAYS

117 PRESENT

P Acevedo	P Davis, Monique	P Joyce	P Reis
P Arroyo	P Davis, William	P Kosel	P Reitz
P Bassi	P DeLuca	P Lang	P Riley
P Beaubien	P Dugan	P Leitch	P Rita
P Beiser	P Dunkin	P Lilly	P Rose (ADDED)
P Bellock	P Durkin (ADDED)	P Lyons	P Sacia
P Berrios	P Eddy	E 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 (ADDED)	P Stephens
P Burke	P Fritchey	P Mendoza	P Sullivan
P Burns	P Froehlich	P Miller	P Thapedi
P Carberry	P Gabel	P Mitchell, Bill	P Tracy
P Cavaletto	P Golar	P Mitchell, Jerry	P Tryon
P Chapa LaVia	P Gordon, Careen	P Moffitt	P Turner
P Coladipietro	P Gordon, Jehan	P Mulligan	P Verschoore
P Cole	P Hannig	P Myers	P Wait
P Collins	P Harris	P Nekritz	P Walker
P Colvin	P Hatcher	P Osmond	P Washington
P Connelly	P Hernandez	P Osterman	P Watson (ADDED)
P Coulson	P Hoffman	P Phelps	P Winters
P Crespo	P Holbrook	P Pihos	P Yarbrough (ADDED)
P Cross	P Howard	P Poe	P Zalewski
P Cultra	P Jackson	P Pritchard	P Mr. Speaker
P Currie	P Jakobsson	P Ramey	
P D'Amico	P Jefferson	P Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 2499
EDUCATION-TECH
THIRD READING
PASSED

April 29, 2010

113 YEAS

0 NAYS

1 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	E Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E Mathias	Y Saviano
Y Biggins	Y Farnham	Y Mautino	Y Schmitz
Y Black	Y Feigenholtz	Y May	Y Senger
Y Boland	Y Flider	Y McAsey	Y Sente
Y Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	Y McCarthy	Y Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
Y Brauer	Y Franks	Y Mell	Y Stephens
Y Burke	Y Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	Y Miller	Y Thapedi
Y Carberry	Y Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	E Watson
P Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	A Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
Y Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE JOINT RESOLUTION 114
SCH CD MANDATE WAIVER REPORT
ADOPTED

April 29, 2010

96 YEAS

15 NAYS

1 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	N DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	N Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	E Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E Mathias	N Saviano
Y Biggins	Y Farnham	Y Mautino	Y Schmitz
P Black	Y Feigenholtz	Y May	Y 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
Y Brady	N Fortner	Y McGuire	Y Soto
N Brauer	NV Franks	Y Mell	Y Stephens
Y Burke	Y Fritchey	Y Mendoza	NV Sullivan
Y Burns	Y Froehlich	Y Miller	Y Thapedi
Y Carberry	Y Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	N Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	N Wait
Y Collins	Y Harris	N Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
N Connelly	Y Hernandez	Y Osterman	E Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	A Yarbrough
Y Cross	Y Howard	N Poe	Y Zalewski
N Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	N Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE JOINT RESOLUTION 87
URGE CONGRESS-FUND-FLOOD PLAN
ADOPTED

April 29, 2010

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	E Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E Mathias	Y Saviano
Y Biggins	Y Farnham	Y Mautino	Y Schmitz
Y Black	Y Feigenholtz	Y May	Y Senger
Y Boland	Y Flider	Y McAsey	Y Sente
Y Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	Y McCarthy	Y Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
Y Brauer	Y Franks	Y Mell	Y Stephens
Y Burke	Y Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	Y Miller	Y Thapedi
Y Carberry	Y Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	E Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	A Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
Y Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 941
 TRANSPORTATION-TECH
 THIRD READING
 PASSED

April 29, 2010

72 YEAS

43 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	N Reis
Y Arroyo	Y Davis, William	N Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	N Dugan	N Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	N Rose
N Bellock	N Durkin	Y Lyons	N Sacia
Y Berrios	N Eddy	E Mathias	Y Saviano
Y Biggins	N Farnham	Y Mautino	N Schmitz
N Black	Y Feigenholtz	Y May	Y Senger
Y Boland	N Flider	Y McAsey	N 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	N Franks	Y Mell	N Stephens
Y Burke	Y Fritchey	Y Mendoza	N Sullivan
Y Burns	Y Froehlich	N Miller	Y Thapedi
Y Carberry	Y Gabel	N Mitchell, Bill	Y Tracy
N Cavaletto	Y Golar	N Mitchell, Jerry	Y Tryon
N Chapa LaVia	N Gordon, Careen	Y Moffitt	Y Turner
N Coladipietro	N Gordon, Jehan	Y Mulligan	Y Verschoore
N Cole	Y Hannig	Y Myers	N Wait
Y Collins	Y Harris	Y Nekritz	N Walker
Y Colvin	N Hatcher	N Osmond	Y Washington
N Connelly	Y Hernandez	Y Osterman	E Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
N Crespo	Y Holbrook	N Pihos	A Yarbrough
N Cross	Y Howard	N Poe	Y Zalewski
N Cultra	Y Jackson	N Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	N Ramey	
Y D'Amico	Y Jefferson	N Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 387
STATE EMPLOYMENT RECORD-HIRING
THIRD READING
PASSED

April 29, 2010

116 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E Mathias	Y Saviano
Y Biggins	Y Farnham	Y Mautino	Y Schmitz
Y Black	Y Feigenholtz	Y May	Y Senger
Y Boland	Y Flider	Y McAsey	Y Sente
Y Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	Y McCarthy	Y Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
Y Brauer	Y Franks	Y Mell	Y Stephens
Y Burke	Y Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	Y Miller	Y Thapedi
Y Carberry	Y Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	A Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
Y Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 575
 ALEXANDER-CAIRO PORT DISTRICT
 THIRD READING
 PASSED

April 29, 2010

77 YEAS

39 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	N Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	N DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	N Rose
N Bellock	N Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E 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	Y McCarthy	N Sommer
N Brady	N Fortner	Y McGuire	Y Soto
Y Brauer	N Franks	Y Mell	N Stephens
Y Burke	Y Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	Y Miller	N Thapedi
Y Carberry	Y Gabel	N Mitchell, Bill	N Tracy
N Cavaletto	Y Golar	Y Mitchell, Jerry	N Tryon
N Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	N Gordon, Jehan	N Mulligan	Y Verschoore
N Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	N Walker
Y Colvin	N Hatcher	N Osmond	Y Washington
N Connelly	Y Hernandez	Y Osterman	N Watson
N Coulson	Y Hoffman	Y Phelps	N Winters
N Crespo	Y Holbrook	N Pihos	A Yarbrough
N Cross	Y Howard	Y Poe	Y Zalewski
N Cultra	Y Jackson	N Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	N Ramey	
Y D'Amico	Y Jefferson	N Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 2350
PROP TX-RETURNING VETERANS
THIRD READING
PASSED

April 29, 2010

116 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E Mathias	Y Saviano
Y Biggins	Y Farnham	Y Mautino	Y Schmitz
Y Black	Y Feigenholtz	Y May	Y Senger
Y Boland	Y Flider	Y McAsey	Y Sente
Y Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	Y McCarthy	Y Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
Y Brauer	Y Franks	Y Mell	Y Stephens
Y Burke	Y Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	Y Miller	Y Thapedi
Y Carberry	Y Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	A Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
Y Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 2497
 PUBLIC LABOR-SCHOOL POLICE
 THIRD READING
 PASSED

April 29, 2010

102 YEAS

14 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	N Reis
Y Arroyo	Y Davis, William	N Kosel	Y Reitz
N Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	N Eddy	E 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
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	Y Franks	Y Mell	Y Stephens
Y Burke	Y Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	Y Miller	Y Thapedi
Y Carberry	Y Gabel	N Mitchell, Bill	Y Tracy
N Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
N Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	N Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	N Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	N Pihos	A Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
N Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 2551
PUBLIC CORRUPTION-FORFEITURE
THIRD READING
PASSED

April 29, 2010

114 YEAS

1 NAY

1 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E Mathias	Y Saviano
Y Biggins	Y Farnham	Y Mautino	Y Schmitz
Y Black	Y Feigenholtz	Y May	Y Senger
Y Boland	Y Flider	Y McAsey	Y Sente
Y Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	Y McCarthy	Y Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
Y Brauer	Y Franks	Y Mell	Y Stephens
Y Burke	P Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	Y Miller	Y Thapedi
Y Carberry	Y Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	N Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	A Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
Y Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 3028
 CRIM CD-ABSOLUTE LIABILITY
 THIRD READING
 PASSED

April 29, 2010

115 YEAS

1 NAY

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	N Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E Mathias	Y Saviano
Y Biggins	Y Farnham	Y Mautino	Y Schmitz
Y Black	Y Feigenholtz	Y May	Y Senger
Y Boland	Y Flider	Y McAsey	Y Sente
Y Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	Y McCarthy	Y Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
Y Brauer	Y Franks	Y Mell	Y Stephens
Y Burke	Y Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	Y Miller	Y Thapedi
Y Carberry	Y Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	A Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
Y Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 3029
CRIM CD-VEHICLE FORFEITURE
THIRD READING
PASSED

April 29, 2010

116 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E Mathias	Y Saviano
Y Biggins	Y Farnham	Y Mautino	Y Schmitz
Y Black	Y Feigenholtz	Y May	Y Senger
Y Boland	Y Flider	Y McAsey	Y Sente
Y Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	Y McCarthy	Y Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
Y Brauer	Y Franks	Y Mell	Y Stephens
Y Burke	Y Fritchey	Y Mendoza	Y Sullivan
Y Burns	Y Froehlich	Y Miller	Y Thapedi
Y Carberry	Y Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	A Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
Y Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 3047
HEALTH CARE IMPLEMENTATION
THIRD READING
PASSED

April 29, 2010

76 YEAS

41 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	N Reis
Y Arroyo	Y Davis, William	N Kosel	Y Reitz
N Bassi	Y DeLuca	Y Lang	Y Riley
N Beaubien	Y Dugan	N Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	N Rose
N Bellock	N Durkin	Y Lyons	Y Sacia
Y Berrios	N Eddy	E Mathias	N Saviano
N Biggins	Y Farnham	Y Mautino	N Schmitz
Y 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	N Franks	Y Mell	N Stephens
Y Burke	Y Fritchey	Y Mendoza	N Sullivan
Y Burns	Y Froehlich	Y Miller	Y Thapedi
Y Carberry	Y Gabel	N Mitchell, Bill	N Tracy
N Cavaletto	Y Golar	N Mitchell, Jerry	N Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
N Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
N Cole	Y Hannig	N Myers	N Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	N Hatcher	N Osmond	Y Washington
N Connelly	Y Hernandez	Y Osterman	N Watson
Y Coulson	Y Hoffman	Y Phelps	N Winters
Y Crespo	Y Holbrook	N Pihos	Y Yarbrough
N Cross	Y Howard	N Poe	Y Zalewski
Y Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	N Ramey	
Y D'Amico	Y Jefferson	N Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 3070
EPA-CARCINOGENIC COMPOUNDS
THIRD READING
PASSED

April 29, 2010

113 YEAS

3 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	N Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E 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	N 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 Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	Y Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
N Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 3117
SCH CD-INTERFUND TRANSFERS
THIRD READING
PASSED

April 29, 2010

116 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E 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 Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	Y Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
Y Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 3288
ST FINANCE-FISCAL YEAR LIMIT
THIRD READING
PASSED

April 29, 2010

74 YEAS

42 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	N Reis
Y Arroyo	Y Davis, William	N Kosel	Y Reitz
N Bassi	Y DeLuca	Y Lang	Y Riley
N Beaubien	Y Dugan	N Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	N Rose
N Bellock	N Durkin	Y Lyons	N Sacia
Y Berrios	N Eddy	E 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
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	N Miller	Y Thapedi
Y Carberry	Y Gabel	N Mitchell, Bill	N Tracy
N Cavaletto	Y Golar	N Mitchell, Jerry	N Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
N Coladipietro	Y Gordon, Jehan	N Mulligan	Y Verschoore
N Cole	Y Hannig	N Myers	N Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	N Hatcher	N Osmond	Y Washington
N Connelly	Y Hernandez	Y Osterman	N Watson
N Coulson	Y Hoffman	Y Phelps	N Winters
Y Crespo	Y Holbrook	N Pihos	Y Yarbrough
N Cross	Y Howard	N Poe	Y Zalewski
N Cultra	Y Jackson	N Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	N Ramey	
Y D'Amico	Y Jefferson	N Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 3588
 PERSONNEL RECORD REVIEW-FOIA
 THIRD READING
 PASSED

April 29, 2010

115 YEAS

1 NAY

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E 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 Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	Y Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
N Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 3543
AFTERSCHOOL YOUTH DEVELOPMENT
THIRD READING
PASSED

April 29, 2010

113 YEAS

3 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E 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	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 Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	Y Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
N Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 3389
 CRIM PRO-JOINDER-FINANCIAL
 THIRD READING
 PASSED

April 29, 2010

116 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E 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 Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	Y Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
Y Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 3637
VETERANS ADMIN HOSPITAL
THIRD READING
PASSED

April 29, 2010

116 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E 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 Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	Y Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
Y Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 3747
TRANSFER FEE COVENANT ACT
THIRD READING
PASSED

April 29, 2010

115 YEAS

1 NAY

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E 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	N Froehlich	Y Miller	Y Thapedi
Y Carberry	Y Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	Y Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
Y Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1826
INC TX-COOPERATIVE-OFFSET LOSS
THIRD READING
PASSED

April 29, 2010

116 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E 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 Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	Y Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
Y Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 3173
CRIM CD-GAMBLING EXEMPTION
THIRD READING
PASSED

April 29, 2010

115 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E 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	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 Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	Y Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
Y Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 2605
CHILD ABUSE REPORTS
THIRD READING
PASSED

April 29, 2010

116 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E 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 Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	Y Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
Y Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 121
 CONAMEND-REDISTRICTING
 THIRD READING
 LOST

April 29, 2010

69 YEAS

47 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	N Reis
Y Arroyo	Y Davis, William	N Kosel	Y Reitz
N Bassi	Y DeLuca	Y Lang	Y Riley
N Beaubien	Y Dugan	N Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	N Rose
N Bellock	N Durkin	Y Lyons	N Sacia
Y Berrios	N Eddy	E 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	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 Gabel	N Mitchell, Bill	N Tracy
N Cavaletto	Y Golar	N Mitchell, Jerry	N Tryon
Y Chapa LaVia	Y Gordon, Careen	N Moffitt	Y Turner
N Coladipietro	Y Gordon, Jehan	N Mulligan	Y Verschoore
N Cole	Y Hannig	N Myers	N Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	N Hatcher	N Osmond	Y Washington
N Connelly	Y Hernandez	Y Osterman	N Watson
N Coulson	Y Hoffman	Y Phelps	N Winters
Y Crespo	Y Holbrook	N Pihos	Y Yarbrough
N Cross	Y Howard	N Poe	Y Zalewski
N Cultra	Y Jackson	N Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	N Ramey	
Y D'Amico	Y Jefferson	N Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 3546
RAILROAD POLICE-LOCAL LAW ENF
THIRD READING
PASSED

April 29, 2010

116 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Joyce	Y Reis
Y Arroyo	Y Davis, William	Y Kosel	Y Reitz
Y Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E 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 Gabel	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
Y Cole	Y Hannig	Y Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	Y Hatcher	Y Osmond	Y Washington
Y Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	Y Pihos	Y Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
Y Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Ramey	
Y D'Amico	Y Jefferson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 3706
 EDU-NUTRITION-ACTIVITIES
 THIRD READING
 PASSED

April 29, 2010

96 YEAS	20 NAYS	0 PRESENT	
Y Acevedo	Y Davis, Monique	Y Joyce	N Reis
Y Arroyo	Y Davis, William	N Kosel	Y Reitz
N Bassi	Y DeLuca	Y Lang	Y Riley
Y Beaubien	Y Dugan	Y Leitch	Y Rita
Y Beiser	Y Dunkin	Y Lilly	N Rose
N Bellock	N Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	E 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
Y Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	Y McCarthy	N Sommer
Y Brady	N 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 Gabel	Y Mitchell, Bill	N Tracy
N Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Turner
Y Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Verschoore
N Cole	Y Hannig	N Myers	Y Wait
Y Collins	Y Harris	Y Nekritz	Y Walker
Y Colvin	N Hatcher	Y Osmond	Y Washington
N Connelly	Y Hernandez	Y Osterman	Y Watson
Y Coulson	Y Hoffman	Y Phelps	Y Winters
Y Crespo	Y Holbrook	N Pihos	Y Yarbrough
Y Cross	Y Howard	Y Poe	Y Zalewski
N Cultra	Y Jackson	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jakobsson	N Ramey	
Y D'Amico	Y Jefferson	N Reboletti	

E - Denotes Excused Absence

133RD LEGISLATIVE DAY

Perfunctory Session

THURSDAY, APRIL 29, 2010

At the hour of 3:58 o'clock p.m., the House convened perfunctory session.

SENATE RESOLUTIONS

The following Senate Joint Resolutions, received from the Senate, were read by the Clerk and referred to the Committee on Rules: SENATE JOINT RESOLUTION 110 (Reitz) and 117 (Gordon, J).

At the hour of 3:59 o'clock p.m., the House Perfunctory Session adjourned.

At the hour of 5:32 o'clock p.m., the House reconvened perfunctory session.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Acevedo replaced Representative Currie in the Committee on Rules on April 29, 2010.

Representative Lyons replaced Representative Lang in the Committee on Rules on April 29, 2010.

Representative Reis replaced Representative Black in the Committee on Rules on April 29, 2010.

Representative Miller replaced Representative Lang in the Committee on Rules on April 29, 2010.

Representative Bellock replaced Representative Tryon in the Committee on Executive on April 29, 2010.

Representative Joyce replaced Representative Turner in the Committee on Executive on April 29, 2010.

Representative William Davis replaced Representative Bradley in the Committee on Environment & Energy on April 29, 2010.

REPORT FROM THE COMMITTEE ON RULES

Representative Acevedo, replacing Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on April 29, 2010, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the bill be reported "approved for consideration" and be placed on the order of Second Reading--Short Debate: SENATE BILLS 1211 and 1212.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Elementary & Secondary Education: SENATE BILL 3460.

Executive: SENATE BILL 3683, HOUSE AMENDMENT No. 1 to HOUSE BILL 5480, HOUSE AMENDMENT No. 1 to HOUSE BILL 5849 and HOUSE AMENDMENT No. 1 to SENATE BILL 2494.

Revenue & Finance: SENATE BILL 2487.

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

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

Y Acevedo(D) (replacing Currie)	N Black(R), Republican Spokesperson
Y Lyons(D) (replacing Lang)	N Schmitz(R)
Y Turner(D)	

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on April 29, 2010, (A) reported the same back with the following recommendations:

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Executive: SENATE JOINT RESOLUTION 110.

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

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

Y Currie(D), Chairperson	Y Reis(R) (replacing Black)
Y Miller(D) (replacing Lang)	Y Schmitz(R)
Y Turner(D)	

REPORTS FROM STANDING COMMITTEES

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on April 29, 2010, reported the same back with the following recommendations:

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

Amendment No. 1 to SENATE BILL 2494.

The committee roll call vote on Amendment No. 1 to Senate Bill 2494 is as follows:

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

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
N Brady(R), Republican Spokesperson	Y Acevedo(D)
Y Arroyo(D)	Y Berrios(D)
Y Biggins(R)	Y Rita(D)
Y Sullivan(R)	Y Bellock(R) (replacing Tryon)
Y Joyce(D) (replacing Turner)	

Representative Holbrook, Chairperson, from the Committee on Environment & Energy to which the following were referred, action taken on April 29, 2010, reported the same back with the following recommendations:

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

Amendment No. 1 to SENATE BILL 380.

The committee roll call vote on Amendment No. 1 to Senate Bill 380 is as follows:

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

Y Holbrook(D), Chairperson	N Nekritz(D), Vice-Chairperson
Y Tryon(R), Republican Spokesperson	Y Beiser(D)
Y Davis, W(D) (replacing Bradley)	N Cole(R)
Y Durkin(R)	Y Flider(D)
N Fortner(R)	N Gabel(D)

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N May(D)
Y Poe(R)
N Reitz(D)
Y Smith(D)
Y Watson(R)

Y Phelps(D)
Y Reboletti(R)
Y Rose(R)
Y Verschoore(D)
N Winters(R)

INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced, read by title a first time, ordered reproduced and placed in the Committee on Rules:

HOUSE BILL 6860. Introduced by Representative Lang, AN ACT concerning criminal law.

HOUSE BILL 6861. Introduced by Representative Cross, AN ACT concerning revenue.

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 2545 (Feigenholtz) and 2925 (Mell).

At the hour of 5:33 o'clock p.m., the House Perfunctory Session adjourned.