



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

21ST LEGISLATIVE DAY

TUESDAY, MARCH 15, 2005

12:32 O'CLOCK P.M.

SENATE
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21st Legislative Day

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The Senate met pursuant to adjournment.
 Senator Debbie DeFrancesco Halvorson, Kankakee, Illinois, presiding.
 Prayer by Father Carl Morello, St. Paul of the Cross Church, Park Ridge, Illinois.
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Thursday, March 10, 2005, was being read when on motion of Senator Hunter, further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Report on the plan to assist employees who have a need for day care outside of the home submitted by the Prisoner Review Board pursuant to Public Act 87-552.

Annual Financial Report for the fiscal year ended June 30, 2004 submitted by the State Retirement Systems.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Floor Amendment No. 1 to Senate Bill 52
 Senate Floor Amendment No. 2 to Senate Bill 66
 Senate Floor Amendment No. 1 to Senate Bill 511
 Senate Floor Amendment No. 2 to Senate Bill 1235
 Senate Floor Amendment No. 1 to Senate Bill 1503
 Senate Floor Amendment No. 1 to Senate Bill 1505
 Senate Floor Amendment No. 1 to Senate Bill 1647
 Senate Floor Amendment No. 1 to Senate Bill 1701
 Senate Floor Amendment No. 2 to Senate Bill 1787
 Senate Floor Amendment No. 1 to Senate Bill 2060
 Senate Floor Amendment No. 1 to Senate Bill 2088

The following Committee amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Committee Amendment No. 1 to Senate Bill 56
 Senate Committee Amendment No. 1 to Senate Bill 57
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 Senate Committee Amendment No. 1 to Senate Bill 86
 Senate Committee Amendment No. 3 to Senate Bill 91
 Senate Committee Amendment No. 2 to Senate Bill 101
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 Senate Committee Amendment No. 2 to Senate Bill 250
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Senate Committee Amendment No. 2 to Senate Bill 339
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 Senate Committee Amendment No. 1 to Senate Bill 1220
 Senate Committee Amendment No. 1 to Senate Bill 1469
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 Senate Committee Amendment No. 1 to Senate Bill 1653
 Senate Committee Amendment No. 1 to Senate Bill 1661
 Senate Committee Amendment No. 1 to Senate Bill 1680
 Senate Committee Amendment No. 1 to Senate Bill 1722
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 Senate Committee Amendment No. 1 to Senate Bill 1791
 Senate Committee Amendment No. 2 to Senate Bill 1792
 Senate Committee Amendment No. 1 to Senate Bill 1816
 Senate Committee Amendment No. 1 to Senate Bill 1829
 Senate Committee Amendment No. 1 to Senate Bill 1832
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 Senate Committee Amendment No. 1 to Senate Bill 1931
 Senate Committee Amendment No. 1 to Senate Bill 1941
 Senate Committee Amendment No. 1 to Senate Bill 1943
 Senate Committee Amendment No. 1 to Senate Bill 1944
 Senate Committee Amendment No. 2 to Senate Bill 1967
 Senate Committee Amendment No. 1 to Senate Bill 1971
 Senate Committee Amendment No. 2 to Senate Bill 1971
 Senate Committee Amendment No. 1 to Senate Bill 1986
 Senate Committee Amendment No. 1 to Senate Bill 1998
 Senate Committee Amendment No. 1 to Senate Bill 2012
 Senate Committee Amendment No. 2 to Senate Bill 2032
 Senate Committee Amendment No. 1 to Senate Bill 2064
 Senate Committee Amendment No. 1 to Senate Bill 2073
 Senate Committee Amendment No. 2 to Senate Bill 2078
 Senate Committee Amendment No. 3 to Senate Bill 2087
 Senate Committee Amendment No. 4 to Senate Bill 2087
 Senate Committee Amendment No. 1 to Senate Bill 2095
 Senate Committee Amendment No. 1 to Senate Bill 2096
 Senate Committee Amendment No. 2 to Senate Bill 2096

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 113

Offered by Senator Clayborne and all Senators:
 Mourns the death of Norbert Dean "Dean" Nester of Belleville.

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SENATE RESOLUTION 114

Offered by Senator Watson and all Senators:
Mourns the death of David Livingston of Decatur.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Hunter offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 115

WHEREAS, Voting is the language of democracy and has proven to be one of the most effective tools in the ongoing battle against racism in our nation; and

WHEREAS, In 1965, the Voting Rights Act was passed by Congress to protect every American against racial discrimination in voting; and

WHEREAS, The Voting Rights Act was created to ensure that every person's vote is equal and that race should never shut any person out of the political process; and

WHEREAS, The Voting Rights Act of 1965 made specific provisions to mitigate against extraordinary racial discrimination in voting rights; and

WHEREAS, These provisions applied to certain areas of the nation for a limited period of time; these certain areas included several jurisdictions where voting irregularities took place during recent elections; and

WHEREAS, Racial discrimination in voting thus continues to be a problem today; and

WHEREAS, These provisions of the Voting Rights Act that provide safeguards against racial discrimination in voting will expire in 2007, unless Congress reauthorizes these provisions; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge Congress to reauthorize all provisions in the Voting Rights Act of 1965 that are scheduled to expire in 2007 and to amend those provisions to make those provisions permanent; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois congressional delegation.

Senator Cullerton offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 116

WHEREAS, The AIDS Drug Assistance Program (ADAP) provides access to treatment for low-income people living with HIV/AIDS who are uninsured or lack adequate prescription drug coverage; and

WHEREAS, ADAP assistance and the Ryan White CARE Act services provide a safety net for Americans who have no other means of accessing HIV medications; and

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WHEREAS, Nearly 4,000 Illinoisans rely on Illinois ADAP for their lifesaving medications; and

WHEREAS, Many state ADAPs have been facing financial difficulties and are unable to meet the needs of those who depend on the program; and

WHEREAS, Twenty states have implemented restrictions to treatment access, including waiting lists in nine states, and eight states are anticipating new or additional restrictions in the next few months; and

WHEREAS, The number of people depending on ADAP continues to grow; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we call on the United States Congress to fully fund the AIDS Drug Assistance Program at \$1.037 billion in FY06; and be it further

RESOLVED, That we respectfully urge Congress to fully fund the essential health and social services that enable individuals to access ADAP and remain in care; the CARE Act should be fully funded at \$2.561 billion in FY06, an increase of \$513.35 million, which includes the requested amount for ADAP; and be it further

RESOLVED, That copies of this resolution be presented to HIV/AIDS Chief Andre Rawls; Nancy Abraham, ADAP/CHIC Administrator; Dr. Eric Whitaker, Director of Public Health; and each member of the Illinois Congressional Delegation.

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL NO. 1339
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 1343
A bill for AN ACT concerning education.
HOUSE BILL NO. 1344
A bill for AN ACT concerning business.
HOUSE BILL NO. 1358
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 1383
A bill for AN ACT concerning public employee benefits.
HOUSE BILL NO. 1402
A bill for AN ACT in relation to fire fighters.
HOUSE BILL NO. 1403
A bill for AN ACT concerning public employee benefits.
HOUSE BILL NO. 1432
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 1434
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 1458
A bill for AN ACT concerning local government.
HOUSE BILL NO. 1480
A bill for AN ACT concerning labor.
Passed the House, March 10, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1339, 1343, 1344, 1358, 1383, 1402, 1403, 1432, 1434, 1458 and 1480** were taken up, ordered printed and placed on first reading.

[March 15, 2005]

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL NO. 1471
A bill for AN ACT concerning driving offenses.
HOUSE BILL NO. 1486
A bill for AN ACT concerning wildlife.
HOUSE BILL NO. 1487
A bill for AN ACT concerning education.
HOUSE BILL NO. 1511
A bill for AN ACT concerning human services.
HOUSE BILL NO. 1522
A bill for AN ACT concerning loan repayment assistance for physicians.
HOUSE BILL NO. 1523
A bill for AN ACT concerning civil procedure.
HOUSE BILL NO. 1529
A bill for AN ACT concerning State government.
HOUSE BILL NO. 1539
A bill for AN ACT concerning public aid.
HOUSE BILL NO. 1549
A bill for AN ACT concerning public health.
HOUSE BILL NO. 1559
A bill for AN ACT concerning criminal law.
Passed the House, March 10, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1471, 1486, 1487, 1511, 1522, 1523, 1529, 1539, 1549 and 1559** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL NO. 1569
A bill for AN ACT concerning State government.
HOUSE BILL NO. 1574
A bill for AN ACT concerning counties.
HOUSE BILL NO. 1575
A bill for AN ACT concerning agriculture.
HOUSE BILL NO. 1587
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 1588
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 1589
A bill for AN ACT in relation to State government.
HOUSE BILL NO. 1562
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 2345
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 2353
A bill for AN ACT concerning health.
HOUSE BILL NO. 2386

[March 15, 2005]

A bill for AN ACT concerning criminal law.
Passed the House, March 10, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1569, 1574, 1575, 1587, 1588, 1589, 2345, 2353 and 2386** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Mahoney, Clerk:

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

HOUSE BILL NO. 2394
A bill for AN ACT concerning State government.
HOUSE BILL NO. 2435
A bill for AN ACT concerning education.
HOUSE BILL NO. 2459
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 2467
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 2490
A bill for AN ACT concerning public aid.
HOUSE BILL NO. 2510
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 15
A bill for AN ACT concerning local government.
Passed the House, March 10, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 15, 2394, 2435, 2459, 2467, 2490 and 2510** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 30

Concurred in by the House, March 10, 2005.

MARK MAHONEY, Clerk of the House

MESSAGE FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

March 10, 2005

Honorable Linda Hawker
Secretary of the Senate
Room 403, State Capitol
Springfield, Illinois 62706

[March 15, 2005]

Dear Madam Secretary:

Pursuant to Rule 3-2, I hereby appoint Senator Ira Silverstein to resume his position on the Senate Judiciary Committee. This is effective immediately.

Very truly yours,
s/Emil Jones, Jr.
President

cc: Senate Minority Leader Frank Watson
House Speaker Michael J. Madigan
House Minority Leader Tom Cross

COMMUNICATION FROM MINORITY LEADER

ILLINOIS STATE SENATE
FRANK C. WATSON
STATE SENATOR
51ST SENATE DISTRICT

March 14, 2005

Ms. Linda Hawker
Secretary of the Senate
403 State House
Springfield, Illinois 62706

Dear Madam Secretary:

Pursuant to Senate Rule 3-2 (c), I hereby appoint Senator Dale Righter to temporarily replace Senator Peter Roskam as a member of the Senate Judiciary Committee on Tuesday, March 15, 2005. This appointment will expire on March 16, 2005.

Sincerely,
s/Frank Watson
Senate Republican Leader

COMMITTEE REPORTS CORRECTIONS

The following correction has been made to the report of the Senate Committee on Licensed Activities of March 10, 2005. The committee reported **Senate Bill 616** to the Senate with a recommendation of "Do Pass". **Senate Bill 616** was held in the Senate Committee on Licensed Activities.

The following correction has been made to the report of the Senate Committee on Environment and Energy of March 10, 2005. The committee reported **Senate Bill 1998** to the Senate with a recommendation of "Do Pass". **Senate Bill 1998** was held in the Senate Committee on Environment and Energy.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 172, sponsored by Senator Demuzio was taken up, read by title a first time and referred to the Committee on Rules.

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House Bill No. 173, sponsored by Senator Pankau was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 188, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 237, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 413, sponsored by Senator Wojcik was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 596, sponsored by Senator Jacobs was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 615, sponsored by Senator Martinez was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 668, sponsored by Senator Althoff was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 823, sponsored by Senator Hendon was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 893, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 992, sponsored by Senator Martinez was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1125, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1151, sponsored by Senator Demuzio was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1173, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1383, sponsored by Senator Bomke was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1432, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1511, sponsored by Senator J. Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1523, sponsored by Senator Silverstein was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1539, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1559, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1575, sponsored by Senator Winkel was taken up, read by title a first time and referred to the Committee on Rules.

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House Bill No. 1562, sponsored by Senator Link was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2386, sponsored by Senator Harmon was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2345, sponsored by Senator Haine was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2510, sponsored by Senator Munoz was taken up, read by title a first time and referred to the Committee on Rules.

EXCUSED FROM ATTENDANCE

On motion of Senator Burzynski, Senator Wojcik was excused from attendance due to illness in family, and Senator Roskam was excused from attendance due to business in his district.

On motion of Senator Shadid, Senator Schoenberg was excused from attendance due to illness.

COMMITTEE MEETING ANNOUNCEMENTS

Senator Crotty, Chairperson of the Committee on Local Government, announced that the Local Government Committee will meet Tuesday, March 15, 2005 in Room A-1 Stratton Building, at 1:00 o'clock p.m.

Senator Munoz, Chairperson of the Committee on Transportation, announced that the Transportation Committee will meet Tuesday, March 15, 2005 in Room 400, at 2:30 o'clock p.m.

Senator Martinez, Chairperson of the Committee on Pensions & Investments, announced that the Pensions & Investments Committee will meet Tuesday, March 15, 2005 in Room 400, at 4:00 o'clock p.m.

Senator Ronen, Chairperson of the Committee on Health & Human Services, announced that the Health & Human Services Committee will meet Wednesday, March 16, 2005 in Room 400, at 9:00 o'clock a.m.

Senator Lightford, Chairperson of the Committee on Education, announced that the Education Committee will meet Tuesday, March 15, 2005 in Room 212, at 1:00 o'clock p.m.

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its March 15, 2005 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture & Conservation: **Senate Committee Amendment No. 2 to Senate Bill 342; Senate Committee Amendment No. 1 to Senate Bill 1726.**

Education: **Senate Committee Amendment No. 1 to Senate Bill 409; Senate Committee Amendment No. 2 to Senate Bill 750; Senate Committee Amendment No. 1 to Senate Bill 1484; Senate Committee Amendment No. 1 to Senate Bill 1493; Senate Committee Amendment No. 1 to Senate Bill 1931; Senate Committee Amendment No. 2 to Senate Bill 2032; Senate Committee Amendment No. 2 to Senate Bill 2096.**

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Environment & Energy: Senate Committee Amendment No. 1 to Senate Bill 130; Senate Committee Amendment No. 1 to Senate Bill 429; Senate Committee Amendment No. 1 to Senate Bill 1998.

Executive: Senate Committee Amendment No. 1 to Senate Bill 1435; Senate Committee Amendment No. 1 to Senate Bill 1628; Senate Committee Amendment No. 1 to Senate Bill 1739; Senate Committee Amendment No. 1 to Senate Bill 2073.

Health & Human Services: Senate Committee Amendment No. 1 to Senate Bill 457; Senate Committee Amendment No. 1 to Senate Bill 1220; Senate Committee Amendment No. 1 to Senate Bill 1469; Senate Committee Amendment No. 1 to Senate Bill 1489; Senate Committee Amendment No. 1 to Senate Bill 1620; Senate Committee Amendment No. 1 to Senate Bill 1680; Senate Committee Amendment No. 1 to Senate Bill 1773; Senate Amendment No. 1 to Senate Bill 1986; Senate Amendments numbered 1 and 2 to Senate Bill 2078.

Housing & Community Affairs: Senate Committee Amendment No. 3 to Senate Bill 91; Senate Committee Amendment No. 2 to Senate Bill 101; Senate Committee Amendment No. 1 to Senate Bill 1622; Senate Committee Amendments numbered 1 and 2 to Senate Bill 1967; Senate Committee Amendment No. 1 to Senate Bill 2086.

Insurance: Senate Committee Amendment No. 1 to Senate Bill 760; Senate Committee Amendment No. 1 to Senate Bill 1722.

Judiciary: Senate Committee Amendment No. 1 to Senate Bill 56; Senate Committee Amendment No. 1 to Senate Bill 57; Senate Committee Amendment No. 3 to Senate Bill 107; Senate Committee Amendment No. 1 to Senate Bill 154; Senate Committee Amendment No. 1 to Senate Bill 219; Senate Committee Amendment No. 1 to Senate Bill 243; Senate Committee Amendment No. 1 to Senate Bill 251; Senate Committee Amendment No. 1 to Senate Bill 287; Senate Committee Amendment No. 1 to Senate Bill 332; Senate Committee Amendment No. 2 to Senate Bill 339; Senate Committee Amendment No. 1 to Senate Bill 421; Senate Committee Amendments numbered 1 and 2 to Senate Bill 425; Senate Committee Amendment No. 1 to Senate Bill 764; Senate Committee Amendment No. 2 to Senate Bill 1456; Senate Committee Amendment No. 1 to Senate Bill 1509; Senate Committee Amendment No. 1 to Senate Bill 1829; Senate Committee Amendment No. 1 to Senate Bill 1832; Senate Committee Amendments numbered 1 and 2 to Senate Bill 1911; Senate Committee Amendment No. 1 to Senate Bill 1914; Senate Committee Amendment No. 1 to Senate Bill 1941; Senate Committee Amendment No. 1 to Senate Bill 1943.

Labor: Senate Committee Amendment No. 1 to Senate Bill 1791; Senate Committee Amendments numbered 1 and 2 to Senate Bill 1792.

Licensed Activities: Senate Committee Amendment No. 1 to Senate Bill 86; Senate Committee Amendments numbered 1 and 2 to Senate Bill 1842; Senate Committee Amendment No. 1 to Senate Bill 2012; Senate Committee Amendment No. 1 to Senate Bill 2064.

Local Government: Senate Committee Amendment No. 1 to Senate Bill 168; Senate Committee Amendment No. 1 to Senate Bill 1910; Senate Committee Amendment No. 1 to Senate Bill 1944; Senate Committee Amendment No. 4 to Senate Bill 2087.

Pensions & Investments: Senate Committee Amendment No. 1 to Senate Bill 1446.

Revenue: Senate Committee Amendment No. 1 to Senate Bill 419.

State Government: Senate Committee Amendment No. 1 to Senate Bill 518; Senate Committee Amendment No. 1 to Senate Bill 629; Senate Committee Amendment No. 1 to Senate Bill 780.

Transportation: Senate Committee Amendment No. 1 to Senate Bill 210; Senate Committee Amendments numbered 2 and 3 to Senate Bill 216; Senate Committee Amendment No.

2 to Senate Bill 508; Senate Committee Amendment No. 1 to Senate Bill 1233; Senate Committee Amendments numbered 1 and 2 to Senate Bill 1971.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Silverstein, **Senate Bill No. 185** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 187** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 192** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, **Senate Bill No. 293** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 300** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 300

AMENDMENT NO. 1. Amend Senate Bill 300 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 3-663 as follows:

(625 ILCS 5/3-663 new)

Sec. 3-663. Road Worker Safety license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Road Worker Safety license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special Road Worker Safety plate issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 12,000 pounds.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a \$40 fee for original issuance, in addition to the appropriate registration fee or the fee designated in subsection (a) of Section 3-815. Of this additional fee, \$15 shall be deposited into the Secretary of State Special License Plate Fund and \$25 shall be deposited into the Transportation Safety Highway Hire-back Fund.

For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee or the fee designated in subsection (a) of Section 3-815, shall be charged. Of this additional fee, \$2 shall be deposited into the Secretary of State Special License Plate Fund and \$25 shall be deposited into the Transportation Safety Highway Hire-back Fund."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 316** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Rules.

There being no further amendments, the bill was ordered to a third reading.

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On motion of Senator Wilhelmi, **Senate Bill No. 328** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **Senate Bill No. 336** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 414** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 426** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 445** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Rules.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE BILL 445

AMENDMENT NO. 2 Amend Senate Bill 445 as follows:

on page 1, by deleting lines 4 through 32; and

on page 2, by deleting lines 1 through 36; and

on page 3, by deleting lines 1 through 35; and

on page 4, by deleting lines 1 through 13; and

on page 9, by deleting lines 22 through 31; and

on page 10, by deleting lines 1 through 3.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 446** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 479** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **Senate Bill No. 490** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Agriculture & Conservation, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 490

AMENDMENT NO. 1 . Amend Senate Bill 490 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois is amended by adding Section 805-550 as follows:

(20 ILCS 805/805-550 new)

Sec. 805-550. Electric scooters; State parks. The Department has the power to regulate the operation of electric scooters in State parks. As used in this Section, "electric scooter" means a device upon which a person may ride consisting of a footboard between 2 end-wheels, controlled by an upright steering handle attached to the front wheel, powered by an electric driven motor, and capable of a maximum

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speed of no more than 15 miles per hour on a flat surface. The Department shall allow the use of electric scooters on the paved roadways within the State parks under the Department's jurisdiction, but may designate which roadways are suitable for these operations. A person who operates or is in actual physical control of an electric scooter under this Section must be 16 years of age or older. Nothing in this Section authorizes the use of electric scooters off-road in State parks under the Department's jurisdiction.

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 505** having been printed, was taken up, read by title a second time.

Committee Amendment No.1 was held in the Committee on Insurance.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 511** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Rules Committee earlier today.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 528** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 530** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 530

AMENDMENT NO. 1. Amend Senate Bill 530 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 2-202 as follows:
(735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

Sec. 2-202. Persons authorized to serve process; Place of service; Failure to make return.

(a) Process shall be served by a sheriff, or if the sheriff is disqualified, by a coroner of some county of the State. A sheriff of a county with a population of less than 1,000,000 may employ civilian personnel to serve process. In counties with a population of less than 1,000,000, and in counties with a population of more than 1,000,000 when process is to be served in a case in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, process may be served, without special appointment, by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 or by a registered employee of a private detective agency certified under that Act. A private detective or licensed employee must supply the sheriff of any county in which he serves process with a copy of his license or certificate; however, the failure of a person to supply the copy shall not in any way impair the validity of process served by the person. The court may, in its discretion upon motion, order service to be made by a private person over 18 years of age and not a party to the action. It is not necessary that service be made by a sheriff or coroner of the county in which service is made. If served or sought to be served by a sheriff or coroner, he or she shall endorse his or her return thereon, and if by a private person the return shall be by affidavit.

(a-5) Upon motion and in its discretion, the court may appoint as a special process server a private detective agency certified under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004. Under the appointment, any employee of the private detective agency who is registered under that Act may serve the process. The motion and the order of appointment must contain the number of the certificate issued to the private detective agency by the Department of Professional Regulation under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004.

(b) Summons may be served upon the defendants wherever they may be found in the State, by any person authorized to serve process. An officer may serve summons in his or her official capacity outside

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his or her county, but fees for mileage outside the county of the officer cannot be taxed as costs. The person serving the process in a foreign county may make return by mail.

(c) If any sheriff, coroner, or other person to whom any process is delivered, neglects or refuses to make return of the same, the plaintiff may petition the court to enter a rule requiring the sheriff, coroner, or other person, to make return of the process on a day to be fixed by the court, or to show cause on that day why that person should not be attached for contempt of the court. The plaintiff shall then cause a written notice of the rule to be served on the sheriff, coroner, or other person. If good and sufficient cause be not shown to excuse the officer or other person, the court shall adjudge him or her guilty of a contempt, and shall impose punishment as in other cases of contempt.

(d) If process is served by a sheriff or coroner, the court may tax the fee of the sheriff or coroner as costs in the proceeding. If process is served by a private person or entity, the court may establish a fee therefor and tax such fee as costs in the proceedings.

(e) In addition to the powers stated in Section 8.1a of the Housing Authorities Act, in counties with a population of 3,000,000 or more inhabitants, members of a housing authority police force may serve process for forcible entry and detainer actions commenced by that housing authority and may execute orders of possession for that housing authority.

(f) In counties with a population of 3,000,000 or more, process may be served, with special appointment by the court, by a private process server or a law enforcement agency other than the county sheriff in proceedings instituted under the Forcible Entry and Detainer Article of this Code as a result of a lessor or lessor's assignee declaring a lease void pursuant to Section 11 of the Controlled Substance and Cannablis Nuisance Act.

(Source: P.A. 93-438, eff. 8-5-03.)"

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 533** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 555** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 557** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 559** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 559

AMENDMENT NO. 1. Amend Senate Bill 559 by replacing everything after the enacting clause with the following:

"Section 5. The Mental Health and Developmental Disabilities Code is amended by changing Section 3-606 as follows:

(405 ILCS 5/3-606) (from Ch. 91 1/2, par. 3-606)

Sec. 3-606. A peace officer may take a person into custody and transport him to a mental health facility when, ~~as a result of his personal observation,~~ the peace officer has reasonable grounds to believe that the person is subject to involuntary admission and in need of immediate hospitalization to protect such person or others from physical harm. Upon arrival at the facility, the peace officer may shall complete the petition under Section 3-601. If the petition is not completed by the peace officer transporting the person, the transporting officer's name, badge number, and employer shall be included in the petition as a potential witness as provided in Section 3-601 of this Chapter.

(Source: P.A. 91-726, eff. 6-2-00.)

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

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There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Viverito, **Senate Bill No. 565** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 565

AMENDMENT NO. 1. Amend Senate Bill 565 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Accounting Act is amended by changing Sections 0.03, 6.1, 16, 20.01, and 27 as follows:

(225 ILCS 450/0.03) (from Ch. 111, par. 5500.03)

(Section scheduled to be repealed on January 1, 2014)

Sec. 0.03. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Registered Certified Public Accountant" means any person who has been issued a registration under this Act as a Registered Certified Public Accountant.

(b) "Licensed Certified Public Accountant" means any person licensed under this Act as a Licensed Certified Public Accountant.

(c) "Committee" means the Public Accountant Registration Committee appointed by the Director.

(d) "Department" means the Department of Professional Regulation.

(e) "Director" means the Director of Professional Regulation.

(f) "License", "licensee" and "licensure" refers to the authorization to practice under the provisions of this Act.

(g) "Peer review program" means a study, appraisal, or review of one or more aspects of the professional work of a ~~person or firm or sole practitioner in the practice of public accounting to determine the degree of compliance by the firm or sole practitioner with professional standards and practices, conducted by persons who hold current licenses to practice public accounting under the laws of this or another state and who are not affiliated with the firm or sole practitioner being reviewed~~ certified or licensed under this Act, including quality review, peer review, practice monitoring, quality assurance, and similar programs undertaken voluntarily or as a prerequisite to the providing of professional services under government requirements, or any similar internal review or inspection that is required by professional standards.

(h) "Review committee" means any person or persons conducting, reviewing, administering, or supervising a peer review program.

(i) "University" means the University of Illinois.

(j) "Board" means the Board of Examiners established under Section 2.

(k) "Registration", "registrant", and "registered" refer to the authorization to hold oneself out as or use the title "Registered Certified Public Accountant" or "Certified Public Accountant", unless the context otherwise requires.

(l) "Peer Review Administrator" means an organization designated by the Department that meets the requirements of subsection (f) of Section 16 of this Act and other rules that the Department may adopt.

(Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04.)

(225 ILCS 450/6.1)

(Section scheduled to be repealed on January 1, 2014)

Sec. 6.1. Examinations.

(a) The examination shall test the applicant's knowledge of accounting, auditing, and other related subjects, if any, as the Board may deem advisable. A candidate shall be required to pass all sections of the examination in order to qualify for a certificate. A candidate may take the required test sections individually and in any order, as long as the examination is taken within a timeframe established by Board rule.

(b) On and after January 1, 2005, applicants shall also be required to pass an examination on the rules of professional conduct, as determined by Board rule to be appropriate, before they may be awarded a certificate as a Certified Public Accountant.

(c) Pursuant to compliance with the Americans with Disabilities Act, the Board may provide alternative test administration arrangements that are reasonable in the context of the Certified Public Accountant examination for applicants who are unable to take the examination under standard conditions

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upon an applicant's submission of evidence as the Board may require, which may include a signed statement from a medical or other licensed medical professional, identifying the applicant's disabilities and the specific alternative accommodations the applicant may need. Any alteration in test administration arrangements does not waive the requirement of sitting for and passing the examination. The Board may in certain cases waive or defer any of the requirements of this Section regarding the circumstances in which the various Sections of the examination must be passed upon a showing that, by reasons of circumstances beyond the applicant's control, the applicant was unable to meet the requirement.

(d) Any application, document, or other information filed by or concerning an applicant and any examination grades of an applicant shall be deemed confidential and shall not be disclosed to anyone without the prior written permission of the applicant, except that the names and addresses only of all applicants shall be a public record and be released as public information. Nothing in this subsection shall prevent the Board from making public announcement of the names of persons receiving certificates under this Act.

(Source: P.A. 93-683, eff. 7-2-04.)

(225 ILCS 450/16) (from Ch. 111, par. 5517)

(Section scheduled to be repealed on January 1, 2014)

Sec. 16. Expiration and renewal of licenses; renewal of registration; continuing education.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule.

(b) Every holder of a license or registration under this Act may renew such license or registration before the expiration date upon payment of the required renewal fee as set by rule.

(c) Every application for renewal of a license by a licensed certified public accountant who has been licensed under this Act for 3 years or more shall be accompanied or supported by any evidence the Department shall prescribe, in satisfaction of completing, each 3 years, not less than 120 hours of continuing professional education programs in subjects given by continuing education sponsors registered by the Department upon recommendation of the Committee. Of the 120 hours, not less than 4 hours shall be courses covering the subject of professional ethics. All continuing education sponsors applying to the Department for registration shall be required to submit an initial nonrefundable application fee set by Department rule. Each registered continuing education sponsor shall be required to pay an annual renewal fee set by Department rule. Publicly supported colleges, universities, and governmental agencies located in Illinois are exempt from payment of any fees required for continuing education sponsor registration. Failure by a continuing education sponsor to be licensed or pay the fees prescribed in this Act, or to comply with the rules and regulations established by the Department under this Section regarding requirements for continuing education courses or sponsors, shall constitute grounds for revocation or denial of renewal of the sponsor's registration.

(d) Licensed Certified Public Accountants are exempt from the continuing professional education requirement for the first renewal period following the original issuance of the license.

Notwithstanding the provisions of this subsection (c), the Department may accept courses and sponsors approved by other states, by the American Institute of Certified Public Accountants, by other state CPA societies, or by national accrediting organizations such as the National Association of State Boards of Accountancy.

Failure by an applicant for renewal of a license as a licensed certified public accountant to furnish the evidence shall constitute grounds for disciplinary action, unless the Department in its discretion shall determine the failure to have been due to reasonable cause. The Department, in its discretion, may renew a license despite failure to furnish evidence of satisfaction of requirements of continuing education upon condition that the applicant follow a particular program or schedule of continuing education. In issuing rules and individual orders in respect of requirements of continuing education, the Department in its discretion may, among other things, use and rely upon guidelines and pronouncements of recognized educational and professional associations; may prescribe rules for the content, duration, and organization of courses; shall take into account the accessibility to applicants of such continuing education as it may require, and any impediments to interstate practice of public accounting that may result from differences in requirements in other states; and may provide for relaxation or suspension of requirements in regard to applicants who certify that they do not intend to engage in the practice of public accounting, and for instances of individual hardship.

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

The Department may establish, by rule, guidelines for acceptance of continuing education on behalf of

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licensed certified public accountants taking continuing education courses in other jurisdictions.

(e) For renewals on and after January 1, 2009, as a condition for granting a renewal license to firms and sole practitioners who provide services requiring a license under this Act, the Department shall require that the firm or sole practitioner undergo a peer review during the immediately preceding 3-year period, accepted by a Peer Review Administrator in accordance with this Section, unless the firm or sole practitioner is exempted under the provisions of subsection (i) of this Section. A firm or sole practitioner shall, at the request of the Department, submit to the Department a letter from the Peer Review Administrator stating the date on which the peer review was satisfactorily completed.

A new firm or sole practitioner not subject to subsection (l) shall undergo its first peer review within 18 months after it is granted its initial license.

(f) The Department shall approve only Peer Review Administrators that the Department finds comply with established standards for performing and reporting on peer reviews. The Department may adopt rules establishing guidelines for peer reviews, which shall do all of the following:

(1) Require that a peer review be conducted by a reviewer that is independent of the firm reviewed and approved by the Peer Review Administrator under established standards.

(2) Other than in the peer review process, prohibit the use or public disclosure of information obtained by the reviewer, the Peer Review Administrator, or the Department during or in connection with the peer review process. The requirement that information not be publicly disclosed shall not apply to a hearing before the Department that the firm or sole practitioner requests be public or to the information described in paragraph (3) of subsection (i) of this Section.

(g) If a firm or sole practitioner does not comply with any remedial actions determined appropriate by the Peer Review Administrator, the Peer Review Administrator shall refer the matter to the Department to determine if further action under this subsection (g) is warranted. The Department may at its discretion or shall upon submission of a written application by the firm or sole practitioner hold a hearing to determine whether the firm or sole practitioner complies with the appropriate professional standards and practices. The hearing shall be confidential and shall not be open to the public unless requested by the firm or sole practitioner. If the Department after conducting a hearing determines that the firm or sole practitioner complies with the appropriate professional standards and practices, it shall issue an order requiring the Peer Review Administrator to take any necessary action to record and implement the Department's determination and to restore the status of compliance of the firm or sole practitioner. However, if the Department after conducting the hearing determines that the firm or sole practitioner does not comply with the appropriate professional standards and practices, it may issue an order that requires both of the following:

(1) Remedial action, which may include any or all of the following:

(A) requiring the sole practitioner or employees of the firm to complete general or specific continuing professional education courses;

(B) requiring the sole practitioner or firm to undergo a peer review more frequently than every 3 years; or

(C) other remedial action as determined by the Department.

(2) An affidavit from the firm or sole practitioner, submitted within the time specified by the Department, indicating completion of the required remedial actions.

(h) The firm or sole practitioner reviewed shall pay for any peer review performed. The Peer Review Administrator may charge a fee to each firm and sole practitioner sufficient to cover costs of administering the peer review program.

(i) A firm or sole practitioner shall be exempt from the requirement to undergo a peer review if:

(1) Within 3 years before the date of application for renewal licensure, the sole practitioner or firm has undergone a peer review conducted in another state or foreign jurisdiction that meets the requirements of paragraphs (1) and (2) of subsection (f) of this Section. The sole practitioner or firm shall submit to the Department a letter from the organization administering the most recent peer review stating the date on which the peer review was completed.

(2) The sole practitioner or firm satisfies all of the following conditions:

(A) during the preceding 2 years, the firm or sole practitioner has not accepted or performed any services requiring a license under this Act;

(B) within the next 2 years, the firm or sole practitioner does not intend to accept or perform any services requiring a license under this Act; and

(C) the firm or sole practitioner agrees to notify the Department within 30 days of accepting an engagement for services requiring a license under this Act and to undergo a peer review within 18 months after the end of the period covered by the engagement.

(3) For reasons of personal health, military service, or other good cause, the Department determines

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that the sole practitioner or firm is entitled to an exemption, which may be granted for a period of time not to exceed 12 months.

(j) In any civil action, arbitration, or administrative proceeding, regardless of whether a licensee is a party thereto, all of the following shall apply:

(1) The proceedings, records (including, without limitation, letters of acceptance, peer review reports, letters of comment, and letters of response), and working papers related to the peer review process of any reviewer, administering organization, or board member are privileged and not subject to discovery, subpoena, or other means of legal process and may not be introduced into evidence.

(2) No employee, member, or agent of a Peer Review Administrator or reviewer shall be permitted or required to testify as to any matters produced, presented, disclosed, or discussed during or in connection with the peer review process or be required to testify to any finding, recommendation, evaluation, opinion, or other actions of any person in connection with the peer review process.

(3) No privilege exists under this subsection (j):

(A) for information presented or considered in the peer review process that was otherwise available to the public;

(B) for materials not prepared in connection with a peer review merely because the materials subsequently are presented or considered as part of the peer review process; or

(C) in connection with an administrative proceeding or related civil action brought for the purpose of enforcing this Section.

(k) If a peer review report indicates that a firm or sole practitioner complies with the appropriate professional standards and practices set forth in the rules of the Department and no further remedial action is required, the Peer Review Administrator shall destroy all working papers and documents, other than report-related documents, related to the peer review within 90 days after issuance of the letter of acceptance by the Peer Review Administrator. If a peer review letter of acceptance indicates that corrective action is required, the Peer Review Administrator may retain documents and reports related to the peer review until completion of the next peer review or other agreed-to corrective actions.

(l) In the event the practices of 2 or more firms or sole practitioners are merged or otherwise combined, the surviving firm shall retain the peer review year of the largest firm, as determined by the number of accounting and auditing hours of each of the practices. In the event that the practice of a firm is divided or a portion of its practice is sold or otherwise transferred, any firm or sole practitioner acquiring some or all of the practice that does not already have its own review year shall retain the review year of the former firm. In the event that the first peer review of a firm that would otherwise be required by this subsection (l) would be less than 12 months after its previous review, a review year shall be assigned by Peer Review Administrator so that the firm's next peer review occurs after not less than 12 months of operation, but not later than 18 months of operation.

(m) No Peer Review Administrator or reviewer, or any of its members, employees, agents, or any person furnishing professional counsel or services shall be civilly liable by reason of the performance of any duty, function, or activity under this Section so long as the person or entity has not engaged in willful or wanton misconduct.

(Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04.)

(225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

(Section scheduled to be repealed on January 1, 2014)

Sec. 20.01. Grounds for discipline; license or registration.

(a) The Department may refuse to issue or renew, or may revoke, suspend, or reprimand any registration or registrant, any license or licensee, place a licensee or registrant on probation for a period of time subject to any conditions the Department may specify including requiring the licensee or registrant to attend continuing education courses or to work under the supervision of another licensee or registrant, impose a fine not to exceed \$5,000 for each violation, restrict the authorized scope of practice, or require a licensee or registrant to undergo a peer review program, for any one or more of the following:

(1) Violation of any provision of this Act.

(2) Attempting to procure a license or registration to practice under this Act by bribery or fraudulent misrepresentations.

(3) Having a license to practice public accounting or registration revoked, suspended, or otherwise acted against, including the denial of licensure or registration, by the licensing or registering authority of another state, territory, or country, including but not limited to the District of Columbia, or any United States territory. No disciplinary action shall be taken in Illinois if the action taken in another jurisdiction was based upon failure to meet the continuing professional education requirements of that jurisdiction and the applicable Illinois continuing professional education

requirements are met.

(4) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of public accounting or the ability to practice public accounting or as a Registered Certified Public Accountant.

(5) Making or filing a report or record which the registrant or licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing, or inducing another person to impede or obstruct the filing. The reports or records shall include only those that are signed in the capacity of a licensed certified public accountant or a registered certified public accountant.

(6) Conviction in this or another State or the District of Columbia, or any United States Territory, of any crime that is punishable by one year or more in prison or conviction of a crime in a federal court that is punishable by one year or more in prison.

(7) Proof that the licensee or registrant is guilty of fraud or deceit, or of gross negligence, incompetency, or misconduct, in the practice of public accounting.

(8) Violation of any rule adopted under this Act.

(9) Practicing on a revoked, suspended, or inactive license or registration.

(10) Suspension or revocation of the right to practice before any state or federal agency.

(11) Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or misdemeanor and has dishonesty as an essential element, or of any crime that is directly related to the practice of the profession.

(12) Making any misrepresentation for the purpose of obtaining a license, or registration or material misstatement in furnishing information to the Department.

(13) Aiding or assisting another person in violating any provision of this Act or rules promulgated hereunder.

(14) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Department.

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

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

(17) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills that results in the inability to practice the profession with reasonable judgment, skill or safety.

(18) Solicitation of professional services by using false or misleading advertising.

(19) Failure to file a return, or 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 or any successor agency or the Internal Revenue Service or any successor agency.

(20) Practicing or attempting to practice under a name other than the full name as shown on the license or registration or any other legally authorized name.

(21) A finding by the Department that a licensee or registrant has not complied with a provision of any lawful order issued by the Department.

(22) Making a false statement to the Department regarding compliance with continuing professional education requirements.

(23) Failing to make a substantive response to a request for information by the Department within 30 days of the request.

(b) (Blank).

(c) In rendering an order, the Department shall take into consideration the facts and circumstances involving the type of acts or omissions in subsection (a) including, but not limited to:

(1) the extent to which public confidence in the public accounting profession was, might have been, or may be injured;

(2) the degree of trust and dependence among the involved parties;

(3) the character and degree of financial or economic harm which did or might have resulted; and

(4) the intent or mental state of the person charged at the time of the acts or

omissions.

(d) The Department shall reissue the license or registration upon a showing that the disciplined licensee or registrant has complied with all of the terms and conditions set forth in the final order.

(e) The Department shall deny any application for a license, registration, or renewal, without hearing, to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a license, registration, or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(f) The determination by a court that a licensee or registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in the automatic suspension of his or her license or registration. The licensee or registrant shall be responsible for notifying the Department of the determination by the court that the licensee or registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code. The licensee or registrant shall also notify the Department upon discharge so that a determination may be made under item (17) of subsection (a) whether the licensee or registrant may resume practice.

(Source: P.A. 92-457, eff. 7-1-04; 93-629, eff. 12-23-03; 93-683, eff. 7-2-04.)

(225 ILCS 450/27) (from Ch. 111, par. 5533)

(Section scheduled to be repealed on January 1, 2014)

Sec. 27. A licensed or registered certified public accountant shall not be required by any court to divulge information or evidence which has been obtained by him in his confidential capacity as a licensed or registered certified public accountant. This Section shall not apply to any investigation or hearing undertaken pursuant to this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 582** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Sullivan, **Senate Bill No. 659** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 660** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 661** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 662** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 663** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 664** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 665** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 666** having been printed, was taken up, read by title a second time and ordered to a third reading.

[March 15, 2005]

On motion of Senator Silverstein, **Senate Bill No. 667** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 668** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 669** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 670** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 671** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 672** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 673** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 674** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 675** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 676** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 677** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 678** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 679** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 680** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 681** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 682** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 683** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 684** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 685** having been printed, was taken up, read by title a second time and ordered to a third reading.

[March 15, 2005]

On motion of Senator Harmon, **Senate Bill No. 744** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 745** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 746** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 747** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 748** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 749** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 751** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 752** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 753** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 754** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 755** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 756** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 757** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 758** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 759** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio **Senate Bill No. 769** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 772** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 773** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 776** having been printed, was taken up, read by title a second time and ordered to a third reading.

[March 15, 2005]

On motion of Senator Haine, **Senate Bill No. 916** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 917** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 918** having been printed, was taken up, read by title a second time and ordered to a third reading.

COMMITTEE MEETING ANNOUNCEMENTS

Senator Collins, Vice-Chairperson of the Committee on Appropriations I announced that the Appropriations I Committee will meet today in Room 212 Capitol Building, at 4:00 o'clock p.m.

Senator Martinez, Vice-Chairperson of the Committee on Housing & Community Affairs announced that the Housing & Community Affairs Committee will meet today in Room A-1 Stratton Building, at 2:30 o'clock p.m.

Senator Sandoval, Member of the Committee on Environment & Energy announced that the Environment & Energy Committee will meet Wednesday, March 16, 2005 in Room 212 Capitol Building, at 9:00 o'clock a.m.

Senator J. Sullivan, Chairperson of the Committee on Agriculture & Conservation announced that the Agriculture & Conservation Committee will meet Wednesday, March 16, 2005 in Room A-1 Stratton Building, at 9:00 o'clock a.m.

Senator Cullerton, Co-Chairperson of the Committee on Judiciary announced that the Judiciary Committee will meet today in Room 212 Capitol Building, at 2:30 o'clock p.m.

At the hour of 1:39 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, March 16, 2005, at 12:00 o'clock noon.