



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FOURTH GENERAL ASSEMBLY**

**92ND LEGISLATIVE DAY**

**MONDAY, MARCH 27, 2006**

**12:10 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**92nd Legislative Day**

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The Senate met pursuant to adjournment.  
 Honorable Emil Jones, Jr., President of the Senate, presiding.  
 Prayer by Pastor Keith Hallam, Sanctuary, Batavia, Illinois.  
 Senator Maloney led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Friday, March 24, 2006, be postponed, pending arrival of the printed Journal.

The motion prevailed.

### LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 2 to House Bill 874  
 Senate Floor Amendment No. 2 to House Bill 4186  
 Senate Floor Amendment No. 1 to House Bill 4193  
 Senate Floor Amendment No. 1 to House Bill 4406  
 Senate Floor Amendment No. 1 to House Bill 4752

### PRESENTATION OF RESOLUTIONS

#### SENATE RESOLUTION 690

Offered by Senators E. Jones - Lightford and all Senators:  
 Mourns the death of Mellow Lee Beasley.

#### SENATE RESOLUTION 691

Offered by Senator Haine and all Senators:  
 Mourns the death of Harry C. Dortch of Granite City.

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

At the hour of 12:35 o'clock p.m., Senator Halvorson presiding.

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator DeLeo, **House Bill No. 874** was taken up, read by title a second time.  
 Floor Amendment No. 1 was held in the Committee on Rules.  
 Floor Amendment No. 2 was referred to the Committee on Rules earlier today.  
 There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Haine, **House Bill No. 2946** having been printed, was taken up and read by title a second time.

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

#### AMENDMENT NO. 1 TO HOUSE BILL 2946

AMENDMENT NO. 1. Amend House Bill 2946 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by adding Section 12-36 as follows:  
 (720 ILCS 5/12-36 new)  
Sec. 12-36. Possession of certain dogs by felons prohibited.

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(a) For a period of 10 years commencing upon the release of a person from incarceration, it is unlawful for a person convicted of a forcible felony, a felony violation of the Humane Care for Animals Act, a felony violation of Article 24 of the Criminal Code of 1961, a felony violation of Class 3 or higher of the Illinois Controlled Substances Act, a felony violation of Class 3 or higher of the Cannabis Control Act, or a felony violation of Class 2 or higher of the Methamphetamine Control and Community Protection Act, to knowingly own, possess, have custody of, or reside in a residence with, either:

(1) an unspayed or unneutered dog or puppy older than 12 weeks of age; or

(2) irrespective of whether the dog has been spayed or neutered, any dog that has been determined to be a vicious dog under Section 15 of the Animal Control Act.

(b) Any dog owned, possessed by, or in the custody of a person convicted of a felony, as described in subsection (a), must be microchipped for permanent identification.

(c) Sentence. A person who violates this Section is guilty of a Class A misdemeanor.

(d) It is an affirmative defense to prosecution under this Section that the dog in question is neutered or spayed, or that the dog in question was neutered or spayed within 7 days of the defendant being charged with a violation of this Section. Medical records from, or the certificate of, a doctor of veterinary medicine licensed to practice in the State of Illinois who has personally examined or operated upon the dog, unambiguously indicating whether the dog in question has been spayed or neutered, shall be prima facie true and correct, and shall be sufficient evidence of whether the dog in question has been spayed or neutered. This subsection (d) is not applicable to any dog that has been determined to be a vicious dog under Section 15 of the Animal Control Act."

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

On motion of Senator Haine, **House Bill No. 4079** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Winkel, **House Bill No. 4135** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Health & Human Services, adopted and ordered printed:

#### **AMENDMENT NO. 1 TO HOUSE BILL 4135**

AMENDMENT NO. 1. Amend House Bill 4135 by replacing everything after the enacting clause with the following:

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

(20 ILCS 505/5c)

Sec. 5c. Direct child welfare service employee license.

(a) By January 1, 2000, the Department, in consultation with private child welfare agencies, shall develop and implement a direct child welfare service employee license. By January 1, 2001 all child protective investigators and supervisors and child welfare specialists and supervisors employed by the Department or its contractors shall be required to demonstrate sufficient knowledge and skills to obtain and maintain the license. The Direct Child Welfare Service Employee License Board of the Department shall have the authority to revoke or suspend the license of anyone who after a hearing is found to be guilty of misfeasance. The Department shall promulgate such rules as necessary to implement this Section.

(b) If a direct child welfare service employee licensee is expected to transport a child or children with a motor vehicle in the course of performing his or her duties, the Department must verify that the licensee meets the requirements set forth in Section 5.1 of the Child Care Act of 1969. The Department must make that verification as to each such licensee every 2 years. Upon the Department's request, the Secretary of State shall provide the Department with the information necessary to enable the Department to make the verifications required under this subsection. If the Department discovers that a direct child welfare service employee licensee has engaged in transporting a child or children with a motor vehicle without having a valid driver's license, the Department shall immediately revoke the individual's direct child welfare service employee license.

(c) On or before January 1, 2000, and every year thereafter, the Department shall submit an annual report to the General Assembly on the implementation of this Section.

(Source: P.A. 92-471, eff. 8-22-01.)

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Section 10. The Child Care Act of 1969 is amended by changing Section 5.1 as follows:  
(225 ILCS 10/5.1) (from Ch. 23, par. 2215.1)

Sec. 5.1. (a) The Department shall ~~ensure~~ ~~assure~~ that no day care center, group home or child care institution as defined in this Act shall on a regular basis transport a child or children with any motor vehicle unless such vehicle is operated by a person ~~who~~ ~~that~~ complies with the following requirements:

1. is 21 years of age or older;
2. currently holds a valid driver's license, which has not been revoked or suspended for one or more traffic violations during the 3 years immediately prior to the date of application;
3. demonstrates physical fitness to operate vehicles by submitting the results of a medical examination conducted by a licensed physician;
4. has not been convicted of more than 2 offenses against traffic regulations governing the movement of vehicles within a twelve month period;
5. has not been convicted of reckless driving or driving under the influence or manslaughter or reckless homicide resulting from the operation of a motor vehicle within the past 3 years;
6. has signed and submitted a written statement certifying that he has not, through the unlawful operation of a motor vehicle, caused an accident which resulted in the death of any person within the 5 years immediately prior to the date of application.

However, such day care centers, group homes and child care institutions may provide for transportation of a child or children for special outings, functions or purposes that are not scheduled on a regular basis without verification that drivers for such purposes meet the requirements of this Section.

(a-5) As a means of ensuring compliance with the requirements set forth in subsection (a), the Department shall implement appropriate measures to verify that every individual who is employed at a group home or child care institution meets those requirements.

For every individual employed at a group home or child care institution who regularly transports children in the course of performing his or her duties, the Department must make the verification every 2 years. Upon the Department's request, the Secretary of State shall provide the Department with the information necessary to enable the Department to make the verifications required under subsection (a).

In the case of an individual employed at a group home or child care institution who becomes subject to subsection (a) for the first time after the effective date of this amendatory Act of the 94th General Assembly, the Department must make that verification with the Secretary of State before the individual operates a motor vehicle to transport a child or children under the circumstances described in subsection (a).

In the case of an individual employed at a group home or child care institution who is subject to subsection (a) on the effective date of this amendatory Act of the 94th General Assembly, the Department must make that verification with the Secretary of State within 30 days after that effective date.

If the Department discovers that an individual fails to meet the requirements set forth in subsection (a), the Department shall promptly notify the appropriate group home or child care institution.

(b) Any individual who holds a valid Illinois school bus driver permit issued by the Secretary of State pursuant to The Illinois Vehicle Code, and who is currently employed by a school district or parochial school, or by a contractor with a school district or parochial school, to drive a school bus transporting children to and from school, shall be deemed in compliance with the requirements of subsection (a).

(c) The Department may, pursuant to Section 8 of this Act, revoke the license of any day care center, group home or child care institution that fails to meet the requirements of this Section.

(d) A group home or child care institution that fails to meet the requirements of this Section is guilty of a petty offense and is subject to a fine of not more than \$1,000. Each day that a group home or child care institution fails to meet the requirements of this Section is a separate offense.

(Source: P.A. 88-612, eff. 7-1-95)."

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

On motion of Senator Demuzio, **House Bill No. 4137** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 4137**

AMENDMENT NO. 1. Amend House Bill 4137 as follows:

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on page 1, line 8, by replacing "On and after" with "Beginning on"; and

on page 1, by replacing lines 10 and 11 with the following:

"purchased from State funds must be flexible fuel vehicles. Beginning July 1, 2007, all gasoline-powered vehicles purchased from State funds must be flexible fuel or fuel efficient hybrid vehicles. For purposes of this Section,"; and

on page 1, line 22, by replacing "20% biodiesel (B20)" with "5% biodiesel (B5)".

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

On motion of Senator Harmon, **House Bill No. 4173** having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Local Government, adopted and ordered printed:

**AMENDMENT NO. 1 TO HOUSE BILL 4173**

AMENDMENT NO. 1. Amend House Bill 4173 on page 1, by replacing line 5 with the following:

"Sections 4-50, 5-50, 6-100, 7-10.2, 7-17, 8-8.1, 10-5.1, and 16-3 and by adding Section 19A-80 as follows:

(10 ILCS 5/4-50)

Sec. 4-50. Grace period. Notwithstanding any other provision of this Code to the contrary, each election authority shall establish procedures for the registration of voters and for change of address during the period from the close of registration for a primary or election and until the 14th day before the primary or election. During this grace period, an unregistered qualified elector may register to vote, and a registered voter may submit a change of address form, in person in the office of the election authority or at a voter registration location specifically designated for this purpose by the election authority. The election authority shall register that individual, or change a registered voter's address, in the same manner as otherwise provided by this Article for registration and change of address.

If a voter who registers or changes address during this grace period wishes to vote at the first election or primary occurring after the grace period, he or she must do so by grace period voting, either in person in the office of the election authority or at a location specifically designated for this purpose by the election authority, or by mail, at the discretion of the election authority. Grace period voting shall be in a manner substantially similar to voting under Article 19. Ballots cast by persons who register or change address during the grace period must be transmitted to and counted at the election authority's central ballot counting location and shall not be transmitted to and counted at precinct polling places.

Within one business day after a person registers, changes address, or votes pursuant to this Section, the election authority shall transmit that person's name, street address, precinct number, ward or township number, and district number to the State Board of Elections. The State Board shall maintain that information in an electronic format on its website, arranged by county and accessible to State and local political committees.

(Source: P.A. 93-1082, eff. 7-1-05.)

(10 ILCS 5/5-50)

Sec. 5-50. Grace period. Notwithstanding any other provision of this Code to the contrary, each election authority shall establish procedures for the registration of voters and for change of address during the period from the close of registration for a primary or election and until the 14th day before the primary or election. During this grace period, an unregistered qualified elector may register to vote, and a registered voter may submit a change of address form, in person in the office of the election authority or at a voter registration location specifically designated for this purpose by the election authority. The election authority shall register that individual, or change a registered voter's address, in the same manner as otherwise provided by this Article for registration and change of address.

If a voter who registers or changes address during this grace period wishes to vote at the first election or primary occurring after the grace period, he or she must do so by grace period voting, either in person in the office of the election authority or at a location specifically designated for this purpose by the election authority, or by mail, at the discretion of the election authority. Grace period voting shall be in a manner substantially similar to voting under Article 19. Ballots cast by persons who register or change

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address during the grace period must be transmitted to and counted at the election authority's central ballot counting location and shall not be transmitted to and counted at precinct polling places.

Within one business day after a person registers, changes address, or votes pursuant to this Section, the election authority shall transmit that person's name, street address, precinct number, ward or township number, and district number to the State Board of Elections. The State Board shall maintain that information in an electronic format on its website, arranged by county and accessible to State and local political committees.

(Source: P.A. 93-1082, eff. 7-1-05.)

(10 ILCS 5/6-100)

Sec. 6-100. Grace period. Notwithstanding any other provision of this Code to the contrary, each election authority shall establish procedures for the registration of voters and for change of address during the period from the close of registration for a primary or election and until the 14th day before the primary or election. During this grace period, an unregistered qualified elector may register to vote, and a registered voter may submit a change of address form, in person in the office of the election authority or at a voter registration location specifically designated for this purpose by the election authority. The election authority shall register that individual, or change a registered voter's address, in the same manner as otherwise provided by this Article for registration and change of address.

If a voter who registers or changes address during this grace period wishes to vote at the first election or primary occurring after the grace period, he or she must do so by grace period voting, either in person in the office of the election authority or at a location specifically designated for this purpose by the election authority, or by mail, at the discretion of the election authority. Grace period voting shall be in a manner substantially similar to voting under Article 19. Ballots cast by persons who register or change address during the grace period must be transmitted to and counted at the election authority's central ballot counting location and shall not be transmitted to and counted at precinct polling places.

Within one business day after a person registers, changes address, or votes pursuant to this Section, the election authority shall transmit that person's name, street address, precinct number, ward or township number, and district number to the State Board of Elections. The State Board shall maintain that information in an electronic format on its website, arranged by county and accessible to State and local political committees.

(Source: P.A. 93-1082, eff. 7-1-05.); and

on page 11, by inserting below line 1 the following:

"(10 ILCS 5/19A-80 new)

Sec. 19A-80. State Board website. Within one business day after a person votes pursuant to this Article, the election authority shall transmit that person's name, street address, precinct number, ward or township number, and district number to the State Board of Elections. The State Board shall maintain that information in an electronic format on its website, arranged by county and accessible to State and local political committees."

#### **AMENDMENT NO. 2 TO HOUSE BILL 4173**

AMENDMENT NO. 2. Amend House Bill 4173, AS AMENDED, in Section 5, by replacing the introductory paragraph with the following:

"Section 5. The Election Code is amended by changing Sections 4-50, 5-50, 6-100, 7-10, 7-10.2, 7-17, 8-8, 8-8.1, 10-5, 10-5.1, and 16-3 and by adding Section 19A-80 as follows:"; and

in Section 5, by replacing everything after the last line of Sec. 6-100 and before the first line of Sec. 19A-80 with the following:

"(10 ILCS 5/7-10) (from Ch. 46, par. 7-10)

Sec. 7-10. Form of petition for nomination. The name of no candidate for nomination, or State central committeeman, or township committeeman, or precinct committeeman, or ward committeeman or candidate for delegate or alternate delegate to national nominating conventions, shall be printed upon the primary ballot unless a petition for nomination has been filed in his behalf as provided in this Article in substantially the following form:

We, the undersigned, members of and affiliated with the .... party and qualified primary electors of the .... party, in the .... of ...., in the county of .... and State of Illinois, do hereby petition that the following named person or persons shall be a candidate or candidates of the .... party for the nomination for (or in case of committeemen for election to) the office or offices hereinafter specified, to be voted for at the primary election to be held on (insert date).

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Name	Office	Address
John Jones	Governor	Belvidere, Ill.
Thomas Smith	Attorney General	Oakland, Ill.

Name..... Address.....

State of Illinois)  
) ss.  
County of.....)

I, ....., do hereby certify that I reside at No. .... street, in the .... of ....., county of ....., and State of ....., that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the .... party, and that their respective residences are correctly stated, as above set forth.

Subscribed and sworn to before me on (insert date).

Each sheet of the petition other than the statement of candidacy and candidate's statement shall be of uniform size and shall contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates, in whose behalf such petition is signed; the office, the political party represented and place of residence; and the heading of each sheet shall be the same.

Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state. However the county or city, village or town, and state of residence of the electors may be printed on the petition forms where all of the electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any. At the bottom of each sheet of such petition shall be added a circulator statement signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state; and certifying that the signatures on that sheet of the petition were signed in his or her presence and certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition and certifying that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 7-12 for the filing of such petition.

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that:

- (1) the person striking the signature shall initial the petition at the place where the signature is struck; and
- (2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

Such sheets before being filed shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator thereof, and not photocopies or duplicates of such sheets. Each petition must include as a part thereof, a statement of candidacy for each of the candidates filing, or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to

which the petition relates and is qualified for the office specified (in the case of a candidate for State's Attorney it shall state that the candidate is at the time of filing such statement a licensed attorney-at-law of this State), shall state that he has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, shall state that the candidate has not changed his or her name (except name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname) within the 3 years before the last day for filing nomination petitions for the office sought by the candidate or if the candidate has so changed his or her name during that period shall state the name changes and dates of name changes, shall request that the candidate's name be placed upon the official ballot, and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgment of deeds in the State and shall be in substantially the following form:

Statement of Candidacy				
Name	Address	Office	District	Party
John Jones	102 Main St. Belvidere, Illinois	Governor	Statewide	Republican

State of Illinois)

) ss.

County of .....

I, ....., being first duly sworn, say that I reside at .... Street in the city (or village) of ....., in the county of ....., State of Illinois; that I am a qualified voter therein and am a qualified primary voter of the .... party; that I am a candidate for nomination (for election in the case of committeeman and delegates and alternate delegates) to the office of .... to be voted upon at the primary election to be held on (insert date); that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office; ~~and~~ that I have filed (or I will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act ; and that I have not changed my name (except name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname) within the 3 years before the last day for filing nomination petitions for this office or that I have so changed my name during that period from (insert each former name) to (insert each subsequent legal name) effective (insert each date of each name change); and I hereby request that my name be printed upon the official primary ballot for nomination for (or election to in the case of committeemen and delegates and alternate delegates) such office.

Signed .....

Subscribed and sworn to (or affirmed) before me by ....., who is to me personally known, on (insert date).

Signed .....

(Official Character)

(Seal, if officer has one.)

The petitions, when filed, shall not be withdrawn or added to, and no signatures shall be revoked except by revocation filed in writing with the State Board of Elections, election authority or local election official with whom the petition is required to be filed, and before the filing of such petition. Whoever forges the name of a signer upon any petition required by this Article is deemed guilty of a forgery and on conviction thereof shall be punished accordingly.

A candidate for the offices listed in this Section must obtain the number of signatures specified in this Section on his or her petition for nomination.

(a) Statewide office or delegate to a national nominating convention. If a candidate seeks to run for statewide office or as a delegate or alternate delegate to a national nominating convention elected from the State at-large, then the candidate's petition for nomination must contain at least 5,000 but not more than 10,000 signatures.

(b) Congressional office or congressional delegate to a national nominating convention. If a candidate seeks to run for United States Congress or as a congressional delegate or alternate congressional delegate to a national nominating convention elected from a congressional district, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary

electors of his or her party in his or her congressional district. In the first primary election following a redistricting of congressional districts, a candidate's petition for nomination must contain at least 600 signatures of qualified primary electors of the candidate's political party in his or her congressional district.

(c) County office. If a candidate seeks to run for any countywide office, including but not limited to county board chairperson or county board member, elected on an at-large basis, in a county other than Cook County, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party who cast votes at the last preceding general election in his or her county. If a candidate seeks to run for county board member elected from a county board district, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in the county board district. In the first primary election following a redistricting of county board districts or the initial establishment of county board districts, a candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party in the entire county who cast votes at the last preceding general election divided by the total number of county board districts comprising the county board; provided that in no event shall the number of signatures be less than 25.

(d) County office; Cook County only.

(1) If a candidate seeks to run for countywide office in Cook County, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party who cast votes at the last preceding general election in Cook County.

(2) If a candidate seeks to run for Cook County Board Commissioner, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in his or her county board district. In the first primary election following a redistricting of Cook County Board of Commissioners districts, a candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party in the entire county who cast votes at the last preceding general election divided by the total number of county board districts comprising the county board; provided that in no event shall the number of signatures be less than 25.

(3) If a candidate seeks to run for Cook County Board of Review Commissioner, which is elected from a district pursuant to subsection (c) of Section 5-5 of the Property Tax Code, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the total number of registered voters in his or her board of review district in the last general election at which a commissioner was regularly scheduled to be elected from that board of review district. In no event shall the number of signatures required be greater than the requisite number for a candidate who seeks countywide office in Cook County under subsection (d)(1) of this Section. In the first primary election following a redistricting of Cook County Board of Review districts, a candidate's petition for nomination must contain at least 4,000 signatures or at least the number of signatures required for a countywide candidate in Cook County, whichever is less, of the qualified electors of his or her party in the district.

(e) Municipal or township office. If a candidate seeks to run for municipal or township office, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in the municipality or township. If a candidate seeks to run for alderman of a municipality, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party of the ward. In the first primary election following redistricting of aldermanic wards or trustee districts of a municipality or the initial establishment of wards or districts, a candidate's petition for nomination must contain the number of signatures equal to at least 0.5% of the total number of votes cast for the candidate of that political party who received the highest number of votes in the entire municipality at the last regular election at which an officer was regularly scheduled to be elected from the entire municipality, divided by the number of wards or districts. In no event shall the number of signatures be less than 25.

(f) State central committeeperson. If a candidate seeks to run for State central committeeperson, then the candidate's petition for nomination must contain at least 100 signatures of the primary electors of his or her party of his or her congressional district.

(g) Sanitary district trustee. If a candidate seeks to run for trustee of a sanitary district in which trustees are not elected from wards, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party from the sanitary district. If a candidate seeks to run for trustee of a sanitary district in which trustees are elected from wards, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of

the primary electors of his or her party in the ward of that sanitary district. In the first primary election following redistricting of sanitary districts elected from wards, a candidate's petition for nomination must contain at least the signatures of 150 qualified primary electors of his or her ward of that sanitary district.

(h) Judicial office. If a candidate seeks to run for judicial office in a district, then the candidate's petition for nomination must contain the number of signatures equal to 0.4% of the number of votes cast in that district for the candidate for his or her political party for the office of Governor at the last general election at which a Governor was elected, but in no event less than 500 signatures. If a candidate seeks to run for judicial office in a circuit or subcircuit, then the candidate's petition for nomination must contain the number of signatures equal to 0.25% of the number of votes cast for the judicial candidate of his or her political party who received the highest number of votes at the last general election at which a judicial officer from the same circuit or subcircuit was regularly scheduled to be elected, but in no event less than 500 signatures.

(i) Precinct, ward, and township committeeperson. If a candidate seeks to run for precinct committeeperson, then the candidate's petition for nomination must contain at least 10 signatures of the primary electors of his or her party for the precinct. If a candidate seeks to run for ward committeeperson, then the candidate's petition for nomination must contain no less than the number of signatures equal to 10% of the primary electors of his or her party of the ward, but no more than 16% of those same electors; provided that the maximum number of signatures may be 50 more than the minimum number, whichever is greater. If a candidate seeks to run for township committeeperson, then the candidate's petition for nomination must contain no less than the number of signatures equal to 5% of the primary electors of his or her party of the township, but no more than 8% of those same electors; provided that the maximum number of signatures may be 50 more than the minimum number, whichever is greater.

(j) State's attorney or regional superintendent of schools for multiple counties. If a candidate seeks to run for State's attorney or regional Superintendent of Schools who serves more than one county, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party in the territory comprising the counties.

(k) Any other office. If a candidate seeks any other office, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the registered voters of the political subdivision, district, or division for which the nomination is made or 25 signatures, whichever is greater.

For purposes of this Section the number of primary electors shall be determined by taking the total vote cast, in the applicable district, for the candidate for that political party who received the highest number of votes, statewide, at the last general election in the State at which electors for President of the United States were elected. For political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for that political party who received the highest number of votes in the political subdivision at the last regular election at which an officer was regularly scheduled to be elected from that subdivision. For wards or districts of political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for that political party who received the highest number of votes in the ward or district at the last regular election at which an officer was regularly scheduled to be elected from that ward or district.

A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.

The changes made to this Section of this amendatory Act of the 93rd General Assembly are declarative of existing law, except for item (3) of subsection (d).

Petitions of candidates for nomination for offices herein specified, to be filed with the same officer, may contain the names of 2 or more candidates of the same political party for the same or different offices.

(Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

(10 ILCS 5/7-10.2) (from Ch. 46, par. 7-10.2)

Sec. 7-10.2. In the designation of the name of a candidate on a petition for nomination or certificate of nomination the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the petition or certificate for that office, whichever is applicable, then the candidate's name on the petition or certificate must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change)", as declared on the candidate's statement of candidacy; failure to meet this requirement shall be grounds for denying certification of the candidate's name for the ballot or removing the candidate's name from the ballot, as appropriate, but this requirement does not apply to name

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changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname. No other designation such as a political slogan, as defined by Section 7-17, title or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, ~~except that the title "Mrs." may be used in the case of a married woman.~~

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/7-17) (from Ch. 46, par. 7-17)

Sec. 7-17. Candidate ballot name procedures.

(a) Each election authority in each county shall cause to be printed upon the general primary ballot of each party for each precinct in his jurisdiction the name of each candidate whose petition for nomination or for committeeman has been filed in the office of the county clerk, as herein provided; and also the name of each candidate whose name has been certified to his office by the State Board of Elections, and in the order so certified, except as hereinafter provided.

It shall be the duty of the election authority to cause to be printed upon the consolidated primary ballot of each political party for each precinct in his jurisdiction the name of each candidate whose name has been certified to him, as herein provided and which is to be voted for in such precinct.

(b) In the designation of the name of a candidate on the primary ballot the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the petition for nomination, nomination papers, or certificate of nomination for that office, whichever is applicable, then the candidate's name on the primary ballot must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change)", as declared on the candidate's statement of candidacy; failure to meet this requirement shall be grounds for denying certification of the candidate's name for the ballot or removing the candidate's name from the ballot, as appropriate, but this requirement does not apply to name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname. No other designation such as a political slogan, title, or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, ~~except that the title "Mrs." may be used in the case of a married woman.~~ For purposes of this Section, a "political slogan" is defined as any word or words expressing or connoting a position, opinion, or belief that the candidate may espouse, including but not limited to, any word or words conveying any meaning other than that of the personal identity of the candidate. A candidate may not use a political slogan as part of his or her name on the ballot, notwithstanding that the political slogan may be part of the candidate's name.

(c) The State Board of Elections, a local election official, or an election authority shall remove any candidate's name designation from a ballot that is inconsistent with subsection (b) of this Section. In addition, the State Board of Elections, a local election official, or an election authority shall not certify to any election authority any candidate name designation that is inconsistent with subsection (b) of this Section.

(d) If the State Board of Elections, a local election official, or an election authority removes a candidate's name designation from a ballot under subsection (c) of this Section, then the aggrieved candidate may seek appropriate relief in circuit court.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/8-8) (from Ch. 46, par. 8-8)

Sec. 8-8. Form of petition for nomination. The name of no candidate for nomination shall be printed upon the primary ballot unless a petition for nomination shall have been filed in his behalf as provided for in this Section. Each such petition shall include as a part thereof the oath required by Section 7-10.1 of this Act and a statement of candidacy by the candidate filing or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates, is qualified for the office specified and has filed a statement of economic interests as required by the Illinois Governmental Ethics Act, shall state that the candidate has not changed his or her name (except name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname) within the 3 years before the last day for filing nomination petitions for the office sought by the candidate or if the candidate has so changed his or her name during that period shall state

the name changes and dates of name changes, shall request that the candidate's name be placed upon the official ballot and shall be subscribed and sworn by such candidate before some officer authorized to take acknowledgment of deeds in this State and may be in substantially the following form:

State of Illinois)

) ss.

County .....

I, ..., being first duly sworn, say that I reside at .... street in the city (or village of) .... in the county of .... State of Illinois; that I am a qualified voter therein and am a qualified primary voter of .... party; that I am a candidate for nomination to the office of .... to be voted upon at the primary election to be held on (insert date); that I am legally qualified to hold such office; ~~and~~ that I have filed a statement of economic interests as required by the Illinois Governmental Ethics Act ; and that I have not changed my name (except name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname) within the 3 years before the last day for filing nomination petitions for this office or that I have so changed my name during that period from (insert each former name) to (insert each subsequent legal name) effective (insert each date of each name change); and I hereby request that my name be printed upon the official primary ballot for nomination for such office.

Signed .....

Subscribed and sworn to (or affirmed) before me by ..., who is to me personally known, on (insert date).

Signed .... (Official Character)

(Seal if officer has one.)

The receipt issued by the Secretary of State indicating that the candidate has filed the statement of economic interests required by the Illinois Governmental Ethics Act must be filed with the petitions for nomination as provided in subsection (8) of Section 7-12 of this Code.

All petitions for nomination for the office of State Senator shall be signed by 1% or 1,000 , whichever is greater, of the qualified primary electors of the candidate's party in his legislative district, except that for the first primary following a redistricting of legislative districts, such petitions shall be signed by at least 1,000 qualified primary electors of the candidate's party in his legislative district.

All petitions for nomination for the office of Representative in the General Assembly shall be signed by at least 1% or 500 , whichever is greater, of the qualified primary electors of the candidate's party in his or her representative district, except that for the first primary following a redistricting of representative districts such petitions shall be signed by at least 500 qualified primary electors of the candidate's party in his or her representative district.

Opposite the signature of each qualified primary elector who signs a petition for nomination for the office of State Representative or State Senator such elector's residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county and city, village or town.

For the purposes of this Section, the number of primary electors shall be determined by taking the total vote cast, in the applicable district, for the candidate for such political party who received the highest number of votes, state-wide, at the last general election in the State at which electors for President of the United States were elected.

A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.

In the affidavit at the bottom of each sheet, the petition circulator, who shall be a person 18 years of age or older who is a citizen of the United States, shall state his or her street address or rural route number, as the case may be, as well as his or her county, city, village or town, and state; and shall certify that the signatures on that sheet of the petition were signed in his or her presence; and shall certify that the signatures are genuine; and shall certify that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petition qualified primary voters for which the nomination is sought.

In the affidavit at the bottom of each petition sheet, the petition circulator shall either (1) indicate the dates on which he or she circulated that sheet, or (2) indicate the first and last dates on which the sheet was circulated, or (3) certify that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition. No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 8-9 for the filing of such petition.

All petition sheets which are filed with the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator, and not photocopies or duplicates of such sheets.

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The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that:

(1) the person striking the signature shall initial the petition at the place where the signature is struck; and

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

(Source: P.A. 94-645, eff. 8-22-05.)

(10 ILCS 5/8-8.1) (from Ch. 46, par. 8-8.1)

Sec. 8-8.1. In the designation of the name of a candidate on a petition for nomination, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the petition or certificate for that office, whichever is applicable, then the candidate's name on the petition or certificate must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change)", as declared on the candidate's statement of candidacy; failure to meet this requirement shall be grounds for denying certification of the candidate's name for the ballot or removing the candidate's name from the ballot, as appropriate, but this requirement does not apply to name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname. No other designation such as a political slogan, title, or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, ~~except that the title "Mrs." may be used in the case of a married woman.~~

(Source: P.A. 93-574, eff. 8-21-03.)

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

Sec. 10-5. All petitions for nomination shall, besides containing the names of candidates, specify as to each:

1. The office or offices to which such candidate or candidates shall be nominated.

2. The new political party, if any, represented, expressed in not more than 5 words. However, such party shall not bear the same name as, nor include the name of any established political party as defined in this Article. This prohibition does not preclude any established political party from making nominations in those cases in which it is authorized to do so.

3. The place of residence of any such candidate or candidates with the street and number thereof, if any. In the case of electors for President and Vice-President of the United States, the names of candidates for President and Vice-President may be added to the party name or appellation.

Such certificate of nomination or nomination papers in addition shall include as a part thereof, the oath required by Section 7-10.1 of this Act and must include a statement of candidacy for each of the candidates named therein, except candidates for electors for President and Vice-President of the United States. Each such statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is qualified for the office specified and has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, shall state that the candidate has not changed his or her name (except name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname) within the 3 years before the last day for filing nomination papers or certificates for the office sought by the candidate or if the candidate has so changed his or her name during that period shall state the name changes and dates of name changes, shall request that the candidate's name be placed upon the official ballot and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgments of deeds in this State, and may be in substantially the following form:

State of Illinois)

) SS.

County of.....)

I,....., being first duly sworn, say that I reside at.... street, in the city (or village) of.... in the county of... State of Illinois; and that I am a qualified voter therein; that I am a candidate for election to the office of.... to be voted upon at the election to be held on the.... day of.....; ~~and~~ that I am legally qualified to hold such office ; ~~and~~ that I have filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act ; ~~and that I have not~~

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changed my name (except name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname) within the 3 years before the last day for filing nomination papers or certificates for this office or that I have so changed my name during that period from (insert each former name) to (insert each subsequent legal name) effective (insert each date of each name change); ; and I hereby request that my name be printed upon the official ballot for election to such office.

Signed.....

Subscribed and sworn to (or affirmed) before me by.... who is to me personally known, this.... day of.....

Signed.....

(Official Character)

(Seal, if officer has one.)

In addition, a new political party petition shall have attached thereto a certificate stating the names and addresses of the party officers authorized to fill vacancies in nomination pursuant to Section 10-11.

Nomination papers filed under this Section are not valid if the candidate named therein fails to file a statement of economic interests as required by the Illinois Governmental Ethics Act in relation to his candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a statement of economic interests in relation to the same governmental unit with that officer during the same calendar year as the year in which such nomination papers were filed. If the nomination papers of any candidate and the statement of economic interest of that candidate are not required to be filed with the same officer, the candidate must file with the officer with whom the nomination papers are filed a receipt from the officer with whom the statement of economic interests is filed showing the date on which such statement was filed. Such receipt shall be so filed not later than the last day on which nomination papers may be filed.

(Source: P.A. 84-551.)

(10 ILCS 5/10-5.1) (from Ch. 46, par. 10-5.1)

Sec. 10-5.1. In the designation of the name of a candidate on a certificate of nomination or nomination papers the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the petition or certificate for that office, whichever is applicable, then the candidate's name on the petition or certificate must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change)", as declared on the candidate's statement of candidacy; failure to meet this requirement shall be grounds for denying certification of the candidate's name for the ballot or removing the candidate's name from the ballot, as appropriate, but this requirement does not apply to name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname. No other designation such as a political slogan, title, or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname ~~; except that the title "Mrs." may be used in the case of a married woman.~~

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

Sec. 16-3. (a) The names of all candidates to be voted for in each election district or precinct shall be printed on one ballot, except as is provided in Sections 16-6.1 and 21-1.01 of this Act and except as otherwise provided in this Act with respect to the odd year regular elections and the emergency referenda; all nominations of any political party being placed under the party appellation or title of such party as designated in the certificates of nomination or petitions. The names of all independent candidates shall be printed upon the ballot in a column or columns under the heading "independent" arranged under the names or titles of the respective offices for which such independent candidates shall have been nominated and so far as practicable, the name or names of any independent candidate or candidates for any office shall be printed upon the ballot opposite the name or names of any candidate or candidates for the same office contained in any party column or columns upon said ballot. The ballot shall contain no other names, except that in cases of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President may be added to the party designation and words calculated to aid the voter in his choice of candidates may be added, such as "Vote for one," "Vote for three." When an electronic voting system is used which utilizes a ballot label

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booklet, the candidates and questions shall appear on the pages of such booklet in the order provided by this Code; and, in any case where candidates for an office appear on a page which does not contain the name of any candidate for another office, and where less than 50% of the page is utilized, the name of no candidate shall be printed on the lowest 25% of such page. On the back or outside of the ballot, so as to appear when folded, shall be printed the words "Official Ballot", followed by the designation of the polling place for which the ballot is prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The ballots shall be of plain white paper, through which the printing or writing cannot be read. However, ballots for use at the nonpartisan and consolidated elections may be printed on different color paper, except blue paper, whenever necessary or desirable to facilitate distinguishing between ballots for different political subdivisions. In the case of nonpartisan elections for officers of a political subdivision, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution providing the form of government therefor requires otherwise, the column listing such nonpartisan candidates shall be printed with no appellation or circle at its head. The party appellation or title, or the word "independent" at the head of any column provided for independent candidates, shall be printed in letters not less than one-fourth of an inch in height and a circle one-half inch in diameter shall be printed at the beginning of the line in which such appellation or title is printed, provided, however, that no such circle shall be printed at the head of any column or columns provided for such independent candidates. The names of candidates shall be printed in letters not less than one-eighth nor more than one-fourth of an inch in height, and at the beginning of each line in which a name of a candidate is printed a square shall be printed, the sides of which shall be not less than one-fourth of an inch in length. However, the names of the candidates for Governor and Lieutenant Governor on the same ticket shall be printed within a bracket and a single square shall be printed in front of the bracket. The list of candidates of the several parties and any such list of independent candidates shall be placed in separate columns on the ballot in such order as the election authorities charged with the printing of the ballots shall decide; provided, that the names of the candidates of the several political parties, certified by the State Board of Elections to the several county clerks shall be printed by the county clerk of the proper county on the official ballot in the order certified by the State Board of Elections. Any county clerk refusing, neglecting or failing to print on the official ballot the names of candidates of the several political parties in the order certified by the State Board of Elections, and any county clerk who prints or causes to be printed upon the official ballot the name of a candidate, for an office to be filled by the Electors of the entire State, whose name has not been duly certified to him upon a certificate signed by the State Board of Elections shall be guilty of a Class C misdemeanor.

(b) When an electronic voting system is used which utilizes a ballot card, on the inside flap of each ballot card envelope there shall be printed a form for write-in voting which shall be substantially as follows:

#### WRITE-IN VOTES

(See card of instructions for specific information. Duplicate form below by hand for additional write-in votes.)

\_\_\_\_\_  
 Title of Office  
 ( ) \_\_\_\_\_  
 Name of Candidate

(c) When an electronic voting system is used which uses a ballot sheet, the instructions to voters on the ballot sheet shall refer the voter to the card of instructions for specific information on write-in voting. Below each office appearing on such ballot sheet there shall be a provision for the casting of a write-in vote.

(d) When such electronic system is used, there shall be printed on the back of each ballot card, each ballot card envelope, and the first page of the ballot label when a ballot label is used, the words "Official Ballot," followed by the number of the precinct or other precinct identification, which may be stamped, in lieu thereof and, as applicable, the number and name of the township, ward or other election district for which the ballot card, ballot card envelope, and ballot label are prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The back of the ballot card shall also include a method of identifying the ballot configuration such as a listing of the political subdivisions and districts for which votes may be cast on that ballot, or a number code identifying the ballot configuration or color coded ballots, except that where there is only one ballot configuration in a precinct, the precinct identification, and any applicable ward identification, shall be sufficient. Ballot card envelopes used in punch card systems shall be of paper through which no writing or punches may be discerned and shall be of sufficient length to enclose all voting positions. However, the election authority may provide ballot card envelopes on which no precinct number or township, ward

or other election district designation, or election date are preprinted, if space and a preprinted form are provided below the space provided for the names of write-in candidates where such information may be entered by the judges of election. Whenever an election authority utilizes ballot card envelopes on which the election date and precinct is not preprinted, a judge of election shall mark such information for the particular precinct and election on the envelope in ink before tallying and counting any write-in vote written thereon. If some method of insuring ballot secrecy other than an envelope is used, such information must be provided on the ballot itself.

(e) In the designation of the name of a candidate on the ballot, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the petition or certificate for that office, whichever is applicable, then the candidate's name on the petition or certificate must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change)", as declared on the candidate's statement of candidacy; failure to meet this requirement shall be grounds for denying certification of the candidate's name for the ballot or removing the candidate's name from the ballot, as appropriate, but this requirement does not apply to name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname. No other designation such as a political slogan, title, or degree or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, ~~except that the title "Mrs."~~ ~~may be used in the case of a married woman.~~ For purposes of this Section, a "political slogan" is defined as any word or words expressing or connoting a position, opinion, or belief that the candidate may espouse, including but not limited to, any word or words conveying any meaning other than that of the personal identity of the candidate. A candidate may not use a political slogan as part of his or her name on the ballot, notwithstanding that the political slogan may be part of the candidate's name.

(f) The State Board of Elections, a local election official, or an election authority shall remove any candidate's name designation from a ballot that is inconsistent with subsection (e) of this Section. In addition, the State Board of Elections, a local election official, or an election authority shall not certify to any election authority any candidate name designation that is inconsistent with subsection (e) of this Section.

(g) If the State Board of Elections, a local election official, or an election authority removes a candidate's name designation from a ballot under subsection (f) of this Section, then the aggrieved candidate may seek appropriate relief in circuit court.

Where voting machines or electronic voting systems are used, the provisions of this Section may be modified as required or authorized by Article 24 or Article 24A, whichever is applicable.

Nothing in this Section shall prohibit election authorities from using or reusing ballot card envelopes which were printed before the effective date of this amendatory Act of 1985. (Source: P.A. 92-178, eff. 1-1-02; 93-574, eff. 8-21-03.)"

Floor Amendment No. 3 was held in the Committee on Rules.

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

On motion of Senator Peterson, **House Bill No. 4179** having been printed, was taken up and read by title a second time.

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

#### **AMENDMENT NO. 1 TO HOUSE BILL 4179**

AMENDMENT NO. 1. Amend House Bill 4179 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 21-101 as follows:  
(735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

Sec. 21-101. Proceedings; parties. If any person who is a resident of this State and has resided in this State for 6 months desires to change his or her name and to assume another name by which to be afterwards called and known, the person may file a petition in the circuit court of the county wherein he or she resides praying for that relief. If it appears to the court that the conditions hereinafter mentioned have been complied with and that there is no reason why the prayer should not be granted, the court, by

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an order to be entered of record, may direct and provide that the name of that person be changed in accordance with the prayer in the petition. The filing of a petition in accordance with this Section shall be the sole and exclusive means by which any person committed under the laws of this State to a penal institution may change his or her name and assume another name. However, any person convicted of a felony, ~~misdemeanor criminal sexual abuse when the victim of the offense at the time of its commission is under 18 years of age, misdemeanor sexual exploitation of a child, misdemeanor indecent solicitation of a child, or misdemeanor indecent solicitation of an adult~~ in this State or any other state who has not been pardoned may not file a petition for a name change until 10 years have passed since completion and discharge from his or her sentence. ~~A person who has been convicted of identity theft, aggravated identity theft, felony or misdemeanor criminal sexual abuse when the victim of the offense at the time of its commission is under 18 years of age, felony or misdemeanor sexual exploitation of a child, felony or misdemeanor indecent solicitation of a child, or felony or misdemeanor indecent solicitation of an adult, or any other offense for which a person is required to register under the Sex Offender Registration Act in this State or any other state who has not been pardoned shall not be permitted to file a petition for a name change in the courts of Illinois. A person who is required to register as a sex offender under the Sex Offender Registration Act may not file a petition for a name change until the person is no longer under a duty to register under that Act.~~ A petitioner may include his or her spouse and adult unmarried children, with their consent, and his or her minor children where it appears to the court that it is for their best interest, in the petition and prayer, and the court's order shall then include the spouse and children. Whenever any minor has resided in the family of any person for the space of 3 years and has been recognized and known as an adopted child in the family of that person, the application herein provided for may be made by the person having that minor in his or her family.

An order shall be entered as to a minor only if the court finds by clear and convincing evidence that the change is necessary to serve the best interest of the child. In determining the best interest of a minor child under this Section, the court shall consider all relevant factors, including:

(1) The wishes of the child's parents and any person acting as a parent who has physical custody of the child.

(2) The wishes of the child and the reasons for those wishes. The court may interview the child in chambers to ascertain the child's wishes with respect to the change of name. Counsel shall be present at the interview unless otherwise agreed upon by the parties. The court shall cause a court reporter to be present who shall make a complete record of the interview instantaneously to be part of the record in the case.

(3) The interaction and interrelationship of the child with his or her parents or persons acting as parents who have physical custody of the child, step-parents, siblings, step-siblings, or any other person who may significantly affect the child's best interest.

(4) The child's adjustment to his or her home, school, and community.

(Source: P.A. 88-25; 89-192, eff. 1-1-96; 89-462, eff. 5-29-96)."

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

On motion of Senator Crotty, **House Bill No. 4192** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Winkel, **House Bill No. 4203** having been printed, was taken up and 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 Judiciary, adopted and ordered printed:

#### **AMENDMENT NO. 2 TO HOUSE BILL 4203**

AMENDMENT NO. 2. Amend House Bill 4203 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Missing Persons Identification Act.

Section 5. Missing person reports.

(a) Report acceptance. All law enforcement agencies shall accept without delay any report of a missing person. Acceptance of a missing person report filed in person may not be refused on any ground. No law enforcement agency may refuse to accept a missing person report:

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- (1) on the basis that the missing person is an adult;
- (2) on the basis that the circumstances do not indicate foul play;
- (3) on the basis that the person has been missing for a short period of time;
- (4) on the basis that the person has been missing a long period of time;
- (5) on the basis that there is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance;
- (6) on the basis that the circumstances suggest that the disappearance may be voluntary;
- (7) on the basis that the reporting individual does not have personal knowledge of the facts;
- (8) on the basis that the reporting individual cannot provide all of the information requested by the law enforcement agency;
- (9) on the basis that the reporting individual lacks a familial or other relationship with the missing person; or
- (10) for any other reason.

(b) Manner of reporting. All law enforcement agencies shall accept missing person reports in person. Law enforcement agencies are encouraged to accept reports by phone or by electronic or other media to the extent that such reporting is consistent with law enforcement policies or practices.

(c) Contents of report. In accepting a report of a missing person, the law enforcement agency shall attempt to gather relevant information relating to the disappearance. The law enforcement agency shall attempt to gather at the time of the report information that shall include, but shall not be limited to, the following:

- (1) the name of the missing person, including alternative names used;
- (2) the missing person's date of birth;
- (3) the missing person's identifying marks, such as birthmarks, moles, tattoos, and scars;
- (4) the missing person's height and weight;
- (5) the missing person's gender;
- (6) the missing person's race;
- (7) the missing person's current hair color and true or natural hair color;
- (8) the missing person's eye color;
- (9) the missing person's prosthetics, surgical implants, or cosmetic implants;
- (10) the missing person's physical anomalies;
- (11) the missing person's blood type, if known;
- (12) the missing person's drivers license number, if known;
- (13) the missing person's social security number, if known;
- (14) a photograph of the missing person; recent photographs are preferable and the agency is encouraged to attempt to ascertain the approximate date the photograph was taken;
- (15) a description of the clothing the missing person was believed to be wearing;
- (16) a description of items that might be with the missing person, such as jewelry, accessories, and shoes or boots;
- (17) information on the missing person's electronic communications devices, such as cellular telephone numbers and e-mail addresses;
- (18) the reasons why the reporting individual believes that the person is missing;
- (19) the name and location of the missing person's school or employer, if known;
- (20) the name and location of the missing person's dentist or primary care physician, or both, if known;
- (21) any circumstances that may indicate that the disappearance was not voluntary;
- (22) any circumstances that may indicate that the missing person may be at risk of injury or death;
- (23) a description of the possible means of transportation of the missing person, including make, model, color, license number, and Vehicle Identification Number of a vehicle;
- (24) any identifying information about a known or possible abductor or person last seen with the missing person, or both, including:
  - (A) name;
  - (B) a physical description;
  - (C) date of birth;
  - (D) identifying marks;
  - (E) the description of possible means of transportation, including make, model, color, license number, and Vehicle Identification Number of a vehicle;

- (F) known associates;
  - (25) any other information that may aid in locating the missing person; and
  - (26) the date of last contact.
- (d) Notification and follow up action.

(1) Notification. The law enforcement agency shall notify the person making the report, a family member, or other person in a position to assist the law enforcement agency in its efforts to locate the missing person of the following:

(A) general information about the handling of the missing person case or about intended efforts in the case to the extent that the law enforcement agency determines that disclosure would not adversely affect its ability to locate or protect the missing person or to apprehend or prosecute any person criminally involved in the disappearance;

(B) that the person should promptly contact the law enforcement agency if the missing person remains missing in order to provide additional information and materials that will aid in locating the missing person such as the missing person's credit cards, debit cards, banking information, and cellular telephone records; and

(C) that any DNA samples provided for the missing person case are provided on a voluntary basis and will be used solely to help locate or identify the missing person and will not be used for any other purpose.

The law enforcement agency, upon acceptance of a missing person report, shall inform the reporting citizen of one of 2 resources, based upon the age of the missing person. If the missing person is under 18 years of age, contact information for the National Center for Missing and Exploited Children shall be given. If the missing person is age 18 or older, contact information for the National Center for Missing Adults shall be given.

Agencies handling the remains of a missing person who is deceased must notify the agency handling the missing person's case. Documented efforts must be made to locate family members of the deceased person to inform them of the death and location of the remains of their family member.

The law enforcement agency is encouraged to make available informational materials, through publications or electronic or other media, that advise the public about how the information or materials identified in this subsection are used to help locate or identify missing persons.

(2) Follow up action. If the person identified in the missing person report remain missing after 30 days, and the additional information and materials specified below have not been received, the law enforcement agency shall attempt to obtain:

(A) DNA samples from family members or from the missing person along with any needed documentation, or both, including any consent forms, required for the use of State or federal DNA databases, including, but not limited to, the Local DNA Index System (LDIS), State DNA Index System (SDIS), and National DNA Index System (NDIS);

(B) an authorization to release dental or skeletal x-rays of the missing person;

(C) any additional photographs of the missing person that may aid the investigation or an identification; the law enforcement agency is not required to obtain written authorization before it releases publicly any photograph that would aid in the investigation or identification of the missing person;

(D) dental information and x-rays; and

(E) fingerprints.

(3) All DNA samples obtained in missing person cases shall be immediately forwarded to the Department of State Police for analysis. The Department of State Police shall establish procedures for determining how to prioritize analysis of the samples relating to missing person cases.

(4) This subsection shall not be interpreted to preclude a law enforcement agency from attempting to obtain the materials identified in this subsection before the expiration of the 30-day period.

#### Section 10. Law enforcement analysis and reporting of missing person information.

(a) Prompt determination of high-risk missing person.

(1) Definition. "High-risk missing person" means a person whose whereabouts are not currently known and whose circumstances indicate that the person may be at risk of injury or death. The circumstances that indicate that a person is a high-risk missing person include, but are not limited to, any of the following:

(A) the person is missing as a result of a stranger abduction;

(B) the person is missing under suspicious circumstances;

- (C) the person is missing under unknown circumstances;
  - (D) the person is missing under known dangerous circumstances;
  - (E) the person is missing more than 30 days;
  - (F) the person has already been designated as a high-risk missing person by another law enforcement agency;
  - (G) there is evidence that the person is at risk because:
    - (i) the person is in need of medical attention or prescription medication;
    - (ii) the person does not have a pattern of running away or disappearing;
    - (iii) the person may have been abducted by a non-custodial parent;
    - (iv) the person is mentally impaired;
    - (v) the person is under the age of 21;
    - (vi) the person has been the subject of past threats or acts of violence;
    - (vii) the person has eloped from a nursing home; or
  - (H) any other factor that may, in the judgment of the law enforcement official, indicate that the missing person may be at risk.
- (2) Law enforcement risk assessment.
- (A) Upon initial receipt of a missing person report, the law enforcement agency shall immediately determine whether there is a basis to determine that the missing person is a high-risk missing person.
- (B) If a law enforcement agency has previously determined that a missing person is not a high-risk missing person, but obtains new information, it shall immediately determine whether the information indicates that the missing person is a high-risk missing person.
- (C) Law enforcement agencies are encouraged to establish written protocols for the handling of missing person cases to accomplish the purposes of this Act.
- (3) Law enforcement agency reports.
- (A) The responding local law enforcement agency shall immediately enter all collected information relating to the missing person case in the Law Enforcement Agencies Data System (LEADS) and the National Crime Information Center (NCIC) databases. The information shall be provided in accordance with applicable guidelines relating to the databases. The information shall be entered as follows:
- (i) All appropriate DNA profiles, as determined by the Department of State Police, shall be uploaded into the missing person databases of the State DNA Index System (SDIS) and National DNA Index System (NDIS) after completion of the DNA analysis and other procedures required for database entry.
  - (ii) Information relevant to the Federal Bureau of Investigation's Violent Criminal Apprehension Program shall be entered as soon as possible.
  - (iii) The Department of State Police shall ensure that persons entering data relating to medical or dental records in State or federal databases are specifically trained to understand and correctly enter the information sought by these databases. The Department of State Police shall either use a person with specific expertise in medical or dental records for this purpose or consult with a chief medical examiner, forensic anthropologist, or odontologist to ensure the accuracy and completeness of information entered into the State and federal databases.
- (B) The Department of State Police shall immediately notify all law enforcement agencies within this State and the surrounding region of the information that will aid in the prompt location and safe return of the high-risk missing person.
- (C) The local law enforcement agencies that receive the notification from the Department of State Police shall notify officers to be on the lookout for the missing person or a suspected abductor.
- (D) Pursuant to any applicable State criteria, local law enforcement agencies shall also provide for the prompt use of an Amber Alert in cases involving abducted children; or public dissemination of photographs in appropriate high risk cases.

#### Section 15. Reporting of unidentified persons and human remains.

##### (a) Handling of death scene investigations.

(1) The Department of State Police shall provide information to local law enforcement agencies about best practices for handling death scene investigations.

(2) The Department of State Police shall identify any publications or training opportunities that may be available to local law enforcement agencies or law enforcement officers and

coroners and medical examiners concerning the handling of death scene investigations.

(b) Law enforcement reports.

(1) Before performing any death scene investigation deemed appropriate under the circumstances, the official with custody of the human remains shall ensure that the coroner or medical examiner of the county in which the deceased was found has been notified.

(2) Any coroner or medical examiner with custody of human remains that are not identified within 24 hours of discovery shall promptly notify the Department of State Police of the location of those remains.

(3) If the coroner or medical examiner with custody of remains cannot determine whether or not the remains found are human, the coroner or medical examiner shall notify the Department of State Police of the existence of possible human remains.

Section 20. Unidentified persons or human remains identification responsibilities.

(a) If the official with custody of human remains is not a coroner or medical examiner, the official shall immediately notify the coroner or medical examiner of the county in which the remains were found. The coroner or medical examiner shall go to the scene and take charge of the remains.

(b) Notwithstanding any other action deemed appropriate for the handling of the human remains, the medical examiner or coroner shall make reasonable attempts to promptly identify human remains. These actions may include but are not limited to obtaining:

- (1) photographs of the human remains (prior to an autopsy);
- (2) dental or skeletal X-rays;
- (3) photographs of items found with the human remains;
- (4) fingerprints from the remains, if possible;
- (5) samples of tissue suitable for DNA typing, if possible;
- (6) samples of whole bone or hair suitable for DNA typing, or both;
- (7) any other information that may support identification efforts.

(c) No medical examiner or coroner or any other person shall dispose of, or engage in actions that will materially affect the unidentified human remains before the medical examiner or coroner obtains:

- (1) samples suitable for DNA identification, archiving;
- (2) photographs of the unidentified person or human remains; and
- (3) all other appropriate steps for identification have been exhausted.

(d) Cremation of unidentified human remains is prohibited.

(e) The medical examiner or coroner or the Department of State Police shall make reasonable efforts to obtain prompt DNA analysis of biological samples if the human remains have not been identified by other means within 30 days.

(f) The medical examiner or coroner or the Department of State Police shall seek support from appropriate State and federal agencies for human remains identification efforts. This support may include, but is not be limited to, available mitochondrial or nuclear DNA testing, federal grants for DNA testing, or federal grants for crime laboratory or medical examiner or coroner's office improvement.

(g) The Department of State Police shall promptly enter information in federal and State databases that may aid in the identification of human remains. Information shall be entered into federal databases as follows:

- (1) information for the National Crime Information Center shall be entered within 72 hours;
- (2) DNA profiles and information shall be entered into the National DNA Index System (NDIS) within 5 business days after the completion of the DNA analysis and procedures necessary for the entry of the DNA profile; and
- (3) information sought by the Violent Criminal Apprehension Program database shall be entered as soon as practicable.

(h) If the Department of State Police does not input the data directly into the federal databases, the Department of State Police shall consult with the medical examiner or coroner's office to ensure appropriate training of the data entry personnel and the establishment of a quality assurance protocol for ensuring the ongoing quality of data entered in the federal and State databases.

(i) Nothing in this Act shall be interpreted to preclude any medical examiner or coroner's office, the Department of State Police, or a local law enforcement agency from pursuing other efforts to identify unidentified human remains including efforts to publicize information, descriptions, or

photographs that may aid in the identification of the unidentified remains, allow family members to identify missing person, and seek to protect the dignity of the missing person.

Section 95. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-375 as follows:

(20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

Sec. 2605-375. Missing persons; Law Enforcement Agencies Data System (LEADS).

(a) To establish and maintain a statewide Law Enforcement Agencies Data System (LEADS) for the purpose of providing electronic access by authorized entities to criminal justice data repositories and effecting an immediate law enforcement response to reports of missing persons, including lost, missing or runaway minors and missing endangered seniors. The Department shall implement an automatic data exchange system to compile, to maintain, and to make available to other law enforcement agencies for immediate dissemination data that can assist appropriate agencies in recovering missing persons and provide access by authorized entities to various data repositories available through LEADS for criminal justice and related purposes. To assist the Department in this effort, funds may be appropriated from the LEADS Maintenance Fund.

(b) In exercising its duties under this Section, the Department shall ~~provide~~ provide ~~do the following:~~ (1) ~~Provide~~ a uniform reporting format (LEADS) for the entry of pertinent information regarding the report of a missing person into LEADS. The report must include all of the following:

- (1) ~~(A)~~ Relevant information obtained from the notification concerning the missing person, including all of the following:
  - (A) ~~(i)~~ a physical description of the missing person;
  - (B) ~~(ii)~~ the date, time, and place that the missing person was last seen; and
  - (C) ~~(iii)~~ the missing person's address.

(2) ~~(B)~~ Information gathered by a preliminary investigation, if one was made.

(3) ~~(C)~~ A statement by the law enforcement officer in charge stating the officer's assessment of the case based on the evidence and information received.

~~(b-5) The Department of State Police shall: prepare the report required by this paragraph (1) as soon as practical, but not later than 5 hours after the Department receives notification of a missing person.~~

(1) ~~(2)~~ Develop and implement a policy whereby a statewide or regional alert would be used in situations relating to the disappearances of individuals, based on criteria and in a format established by the Department. Such a format shall include, but not be limited to, the age of the missing person and the suspected circumstance of the disappearance.

(2) ~~(3)~~ Notify all law enforcement agencies that reports of missing persons shall be entered as soon as the minimum level of data specified by the Department is available to the reporting agency and that no waiting period for the entry of the data exists.

(3) ~~(4)~~ Compile and retain information regarding lost, abducted, missing, or runaway minors in a separate data file, in a manner that allows that information to be used by law enforcement and other agencies deemed appropriate by the Director, for investigative purposes. The information shall include the disposition of all reported lost, abducted, missing, or runaway minor cases.

(4) ~~(5)~~ Compile and maintain an historic data repository relating to lost, abducted, missing, or runaway minors and other missing persons, including, but not limited to, missing endangered seniors, in order to develop and improve techniques utilized by law enforcement agencies when responding to reports of missing persons.

(5) ~~(6)~~ Create a quality control program regarding confirmation of missing person data, timeliness of entries of missing person reports into LEADS, and performance audits of all entering agencies.

~~(7) Upon completion of the report required by paragraph (1), the Department of State Police shall immediately forward the contents of the report to all of the following:~~

~~(A) all law enforcement agencies that have jurisdiction in the location where the missing person lives and all law enforcement agencies that have jurisdiction in the location where the missing person was last seen;~~

~~(B) all law enforcement agencies to which the person who made the notification concerning the missing person requests the report be sent, if the Department determines that the request is reasonable in light of the information received;~~

~~(C) all law enforcement agencies that request a copy of the report; and~~

~~(D) the National Crime Information Center's Missing Person File, if appropriate.~~

~~(8) The Department of State Police shall begin an investigation concerning the missing person not~~

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~~later than 24 hours after receiving notification of a missing person.~~

(c) The Illinois Law Enforcement Training Standards Board shall conduct a training program for law enforcement personnel of local governmental agencies in the Missing Persons Identification Act statewide coordinated missing endangered senior alert system established under this Section.

(d) The Department of State Police shall perform the duties prescribed in the Missing Persons Identification Act, subject to appropriation.

(Source: P.A. 94-145, eff. 1-1-06.)

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

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

On motion of Senator Harmon, **House Bill No. 4238** was taken up, read by title a second time. Committee Amendment No. 1 was held in the Committee on Rules.

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

On motion of Senator Pankau, **House Bill No. 4310** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 4345** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 4365** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Risinger, **House Bill No. 4369** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lauzen, **House Bill No. 4375** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **House Bill No. 4398** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **House Bill No. 4425** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 4438** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 4438**

AMENDMENT NO. 1. Amend House Bill 4438 on page 1, line 12, by changing "personal identifying information" to "personal information, as defined in the Personal Information Protection Act".

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

On motion of Senator Collins, **House Bill No. 4446** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 4446**

AMENDMENT NO. 1. Amend House Bill 4446 by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by adding Section 3-14-4.5 as follows:

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(730 ILCS 5/3-14-4.5 new)

Sec. 3-14-4.5. Private half-way houses.

(a) As used in this Section, "half-way house" means a facility primarily designed for the residence of persons on parole or mandatory supervised release from the Department of Corrections, other than one operated by the Department of Corrections.

(b) Any person or entity who intends to establish a half-way house on or after the effective date of this amendatory Act of the 94th General Assembly shall comply with all applicable local ordinances and permitting requirements.

(c) Not more than 48 hours after the placement of a person in such a half-way house, the half-way house shall give written notice to the State's Attorney and the sheriff of the county and the proper law enforcement agency of the municipality in which the half-way house is located of the identity of the person placed in that program. The identifying information shall include, but not be limited to, the name of the individual, age, physical description, photograph, and the crime for which the person was originally sentenced to the Department of Corrections. The notice shall be given in all cases, and may be provided via facsimile at such telephone number as the receiving State's Attorney, sheriff, or law enforcement agency may direct.

(d) Failure to comply with the notification requirements of subsection (c) is a petty offense for which a \$1,000 fine shall be imposed for each offense."

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

On motion of Senator Watson, **House Bill No. 4559** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **House Bill No. 4649** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 4703** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **House Bill No. 4717** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 4728** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 4736** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 4746** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 4760** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 4768** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **House Bill No. 4782** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 4835** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 4835**

AMENDMENT NO. 1. Amend House Bill 4835 on page 1, line 6 by changing "1-105.2 and 11-208.6" to "1-105.2, 11-208.6, and 11-612"; and

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by replacing lines 34 and 35 on page 17 and lines 1 through 5 on page 18 with the following:

"(c) A county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to provide recorded images of a motor vehicle for the purpose of recording its speed. The regulation of the use of automated traffic law enforcement systems to record vehicle speeds is an exclusive power and function of the State. This subsection (c) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution."; and

on page 23, by inserting after line 19 the following:

"(625 ILCS 5/11-612 new)

Sec. 11-612. Certain systems to record vehicle speeds prohibited. Except as authorized in the Automated Traffic Control Systems in Highway Construction or Maintenance Zones Act, no photographic, video, or other imaging system may be used in this State to record vehicle speeds for the purpose of enforcing any law or ordinance regarding a maximum or minimum speed limit unless a law enforcement officer is present at the scene and witnesses the event. No State or local governmental entity, including a home rule county or municipality, may use such a system in a way that is prohibited by this Section. The regulation of the use of such systems is an exclusive power and function of the State. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution."

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

On motion of Senator Ronen, **House Bill No. 4853** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 4904** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Wilhelmi, **House Bill No. 4971** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 4977** 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.

On motion of Senator Clayborne, **House Bill No. 5259** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Health & Human Services, adopted and ordered printed:

**AMENDMENT NO. 1 TO HOUSE BILL 5259**

AMENDMENT NO. 1. Amend House Bill 5259 on page 2, line 36 by inserting after the period the following:

"Nothing in this Section shall be construed to authorize interference with the coroner in carrying out an investigation or autopsy."

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

On motion of Senator Link, **House Bill No. 5260** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 5260**

AMENDMENT NO. 1. Amend House Bill 5260 by replacing everything after the enacting clause with the following:

"Section 5. The State Prompt Payment Act is amended by changing Sections 3-2 and 7 as follows:

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(30 ILCS 540/3-2) (from Ch. 127, par. 132.403-2)

Sec. 3-2. Beginning July 1, 1993, in any instance where a State official or agency is late in payment of a vendor's bill or invoice for goods or services furnished to the State, as defined in Section 1, properly approved in accordance with rules promulgated under Section 3-3, the State official or agency shall pay interest to the vendor in accordance with the following:

(1) Any bill approved for payment under this Section must be paid or the payment issued to the payee within 60 days of receipt of a proper bill or invoice. If payment is not issued to the payee within this 60 day period, an interest penalty of 1.0% of any amount approved and unpaid shall be added for each month or fraction thereof after the end of this 60 day period, until final payment is made.

(1.1) A State agency shall review in a timely manner each bill or invoice after its receipt. If the State agency determines that the bill or invoice contains a defect making it unable to process the payment request, the agency shall notify the vendor requesting payment as soon as possible after discovering the defect pursuant to rules promulgated under Section 3-3; provided, however, that the notice for construction related bills or invoices must be given not later than 30 days after the bill or invoice was first submitted. The notice shall identify the defect and any additional information necessary to correct the defect. If one or more items on a construction related bill or invoice are disapproved, but not the entire bill or invoice, then the portion that is not disapproved shall be paid.

(2) Where a State official or agency is late in payment of a vendor's bill or invoice properly approved in accordance with this Act, and different late payment terms are not reduced to writing as a contractual agreement, the State official or agency shall automatically pay interest penalties required by this Section amounting to \$50 or more to the appropriate vendor. Each agency shall be responsible for determining whether an interest penalty is owed and for paying the interest to the vendor. For interest of at least \$5 but less than \$50, the vendor must initiate a written request for the interest penalty when such interest is due and payable. The Department of Central Management Services and the State Comptroller shall jointly promulgate rules establishing the conditions under which interest of less than \$5 may be claimed and paid. In the event an individual has paid a vendor for services in advance, the provisions of this Section shall apply until payment is made to that individual.

(Source: P.A. 92-384, eff. 7-1-02.)

(30 ILCS 540/7) (from Ch. 127, par. 132.407)

Sec. 7. Payments to subcontractors and material suppliers.

(a) When a State official or agency responsible for administering a contract submits a voucher to the Comptroller for payment to a contractor, that State official or agency shall promptly make available electronically the voucher number, the date of the voucher, and the amount of the voucher. The State official or agency responsible for administering the contract shall provide subcontractors and material suppliers, known to the State official or agency, with instructions on how to access the electronic information. When a contractor receives any payment, the contractor shall pay each subcontractor and material supplier in proportion to the work completed by each subcontractor and material supplier their application, plus interest received under this Act, less any retention. If the contractor receives less than the full payment due under the public construction contract, the contractor shall be obligated to disburse on a pro rata basis those funds received, plus interest received under this Act, with the contractor, subcontractors and material suppliers each receiving a prorated portion based on the amount of payment. When, however, the public owner does not release the full payment due under the contract because there are specific areas of work or materials the contractor is rejecting or because the contractor has otherwise determined such areas are not suitable for payment, then those specific subcontractors or suppliers involved shall not be paid for that portion of work rejected or deemed not suitable for payment and all other subcontractors and suppliers shall be paid in full, plus interest received under this Act.

(b) If the contractor, without reasonable cause, fails to make full payment of amounts due under subsection (a) to his subcontractors and material suppliers within 15 days after receipt of payment under the public construction contract, the contractor shall pay to his subcontractors and material suppliers, in addition to the payment due them, interest in the amount of 2% per month, calculated from the expiration of the 15-day period until fully paid. This subsection shall also apply to any payments made by subcontractors and material suppliers to their subcontractors and material suppliers and to all payments made to lower tier subcontractors and material suppliers throughout the contracting chain.

(1) If a contractor, without reasonable cause, fails to make payment in full as provided in subsection (a) within 15 days after receipt of payment under the public construction contract, any subcontractor or material supplier to whom payments are owed may file a written notice

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with the State official or agency setting forth the amount owed by the contractor and the contractor's failure to timely pay the amount owed.

(2) The State official or agency, within 15 days after receipt of a subcontractor's or material supplier's written notice of the failure to receive payment from the contractor, shall hold a hearing convened by an administrative law judge to determine whether the contractor withheld payment, without reasonable cause, from the subcontractors and material suppliers and what amount, if any, is due to the subcontractors and material suppliers. The State official or agency shall provide appropriate notice to the parties of the date, time, and location of the hearing. Each contractor, subcontractor, and material supplier has the right to be represented by counsel at the hearing and to cross-examine witnesses and challenge documents.

(3) If there is a finding by the administrative law judge that the contractor failed to make payment in full, without reasonable cause, as provided in subsection (a), then the administrative law judge shall, in writing, direct the contractor to pay the amount owed to the subcontractors and material suppliers plus interest within 15 days after the finding.

(4) If a contractor fails to make full payment within 15 days after the administrative law judge's finding, then the contractor shall be barred from entering into a State public construction contract for a period of one year beginning on the date of the administrative law judge's finding.

(Source: P.A. 94-672, eff. 1-1-06.)

Section 10. The Local Government Prompt Payment Act is amended by changing Sections 3 and 9 as follows:

(50 ILCS 505/3) (from Ch. 85, par. 5603)

Sec. 3. The appropriate local governmental official or agency receiving goods or services must approve or disapprove a bill from a vendor or contractor for goods or services furnished the local governmental agency within 30 days after the receipt of such bill or within 30 days after the date on which the goods or services were received, whichever is later. If one or more items on a construction related bill or invoice are disapproved, but not the entire bill or invoice, then the portion that is not disapproved shall be paid. When safety or quality assurance testing of goods by the local governmental agency is necessary before the approval or disapproval of a bill and such testing cannot be completed within 30 days after receipt of the goods, approval or disapproval of the bill must be made immediately upon completion of the testing or within 60 days after receipt of the goods, whichever occurs first. Written notice shall be mailed to the vendor or contractor immediately if a bill is disapproved.

(Source: P.A. 87-773.)

(50 ILCS 505/9) (from Ch. 85, par. 5609)

Sec. 9. Payments to subcontractors and material suppliers; failure to make timely payments; additional amount due. When a contractor receives any payment, the contractor shall pay each subcontractor and material supplier in proportion to the work completed by each subcontractor and material supplier their application less any retention. If the contractor receives less than the full payment due under the public construction contract, the contractor shall be obligated to disburse on a pro rata basis those funds received, with the contractor, subcontractors and material suppliers each receiving a prorated portion based on the amount of payment. All interest payments received pursuant to Section 4 also shall be disbursed to subcontractors and material suppliers to whom payment has been delayed, on a pro rata basis. When, however, the public owner does not release the full payment due under the contract because there are specific areas of work or materials the contractor is rejecting or because the contractor has otherwise determined such areas are not suitable for payment, then those specific subcontractors or suppliers involved shall not be paid for that portion of the work rejected or deemed not suitable for payment and all other subcontractors and suppliers shall be paid in full.

If the contractor, without reasonable cause, fails to make any payment to his subcontractors and material suppliers within 15 days after receipt of payment under the public construction contract, the contractor shall pay to his subcontractors and material suppliers, in addition to the payment due them, interest in the amount of 2% per month, calculated from the expiration of the 15-day period until fully paid. This ~~Section subsection~~ shall also apply to any payments made by subcontractors and material suppliers to their subcontractors and material suppliers and to all payments made to lower tier subcontractors and material suppliers throughout the contracting chain.

(Source: P.A. 87-773.)

Section 99. Effective date. This Act takes effect July 1, 2007."

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

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On motion of Senator Link, **House Bill No. 5274** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 5284** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 5288** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 5299** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Housing & Community Affairs, adopted and ordered printed:

**AMENDMENT NO. 1 TO HOUSE BILL 5299**

AMENDMENT NO. 1. Amend House Bill 5299 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Internet Dating Disclosure and Safety Act."

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

On motion of Senator Winkel, **House Bill No. 5305** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 5330** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Roskam, **House Bill No. 5336** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 5337** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **House Bill No. 5339** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **House Bill No. 5342** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 5342**

AMENDMENT NO. 1. Amend House Bill 5342 on page 1, line 8, by replacing "subsection (b)" with "subsections (b) and (c) ~~subsection (b)~~"; and

on page 2, by inserting immediately below line 9 the following:

"(c) If a person who is serving a term of mandatory supervised release is incarcerated in a county jail, following an arrest on a warrant issued by the Illinois Department of Corrections, solely for violation of a condition of mandatory supervised release and not on any new charges for a new offense, then the Illinois Department of Corrections shall pay the medical costs incurred by the county in securing treatment for that person, for any injury or condition other than one arising out of or in conjunction with the arrest of the person or resulting from the conduct of county personnel, while he or she remains in the county jail on the warrant issued by the Illinois Department of Corrections."

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

On motion of Senator Demuzio, **House Bill No. 5343** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 5348** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Health & Human Services, adopted and ordered printed:

**AMENDMENT NO. 1 TO HOUSE BILL 5348**

AMENDMENT NO. 1. Amend House Bill 5348 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Burn Injury Reporting Act.

Section 5. Burn injury reporting.

(a) Every case of a burn injury treated in a hospital as described in this Act may be reported to the Office of the State Fire Marshal. The hospital's administrator, manager, superintendent, or his or her designee deciding to report under this Act shall make an oral report of every burn injury in a timely manner as soon as treatment permits, except as provided in subsection (c) of this Section, that meets one of the following criteria:

- (1) a person receives a serious second-degree burn or a third degree burn, but not a radiation burn, to 10% or more of the person's body as a whole;
- (2) a person sustains a burn to the upper respiratory tract or occurring laryngeal edema due to the inhalation of superheated air;
- (3) a person sustains any burn injury likely to result in death; or
- (4) a person sustains any other burn injury not excluded by subsection (c).

(b) The oral report shall consist of notification by telephone to the Office of the State Fire Marshal using a toll-free number established by the Office of the State Fire Marshal for this purpose.

(c) A hospital's administrator, manager, superintendent, or his or her designee deciding to report under this Act shall not report any of the following burn injuries:

- (1) a burn injury of a first responder, as defined in Section 3.60 of the Emergency Medical Services (EMS) Systems Act, sustained in the line of duty;
- (2) a burn injury caused by lighting;
- (3) a burn injury caused by a motor vehicle accident; or
- (4) a burn injury caused by an identifiable industrial accident or work-related accident.

Section 10. Report contents. The report shall consist of the following reported information to the extent available:

- (1) Name, address, and date of birth of the victim.
- (2) Address where the burn injury occurred.
- (3) Date and time of the burn occurrence.
- (4) Degree of burn injury, percentage of the body affected by the burn injury, and the specific area of the body affected by the burn injury.
- (5) The name and address of the facility treating the patient.

Section 15. Confidentiality. Information collected in these reports that could identify the hospital, any health care professional, any hospital staff, or the patient shall remain confidential and only be divulged as needed in the investigation or prosecution of a criminal offense. No information shall be included in the report naming or identifying any health care professional or hospital staff. The hospital medical records shall only be disclosed in accordance with Illinois law and the federal Health Insurance Portability and Accountability Act of 1996 and its rules.

Section 20. Good faith. With the exception of willful and wanton misconduct, any individual who in good faith acts in accordance with the terms of this Act or assisting in reporting shall not be subject to any civil or criminal liability or discipline for unprofessional conduct.

Section 25. Application. This Act applies only to hospitals that treat a patient initially for a burn injury. This Act does not apply to a hospital that receives a patient who has been transferred for a burn

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that was initially treated at another hospital. Nothing in this Act shall be construed to require a hospital to report burn injuries.

Section 30. Public information campaign. The Office of the State Fire Marshal shall conduct a public information campaign working in conjunction with hospitals, physicians, and law enforcement to inform hospitals of the opportunity to report burn injuries to the toll-free number maintained by the Office pursuant to this Act.

Section 300. The Regulatory Sunset Act is amended by adding Section 4.19a as follows:  
(5 ILCS 80/4.19a new)

Sec. 4.19a. Act repealed on January 1, 2009. The following Act is repealed on January 1, 2009: The Burn Injury Reporting Act."

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

On motion of Senator Harmon, **House Bill No. 5376** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 5416** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 5416**

AMENDMENT NO. 1. Amend House Bill 5416 as follows:

on page 1, line 5, by replacing "3-14.20" with "3-14.21"; and

on page 1, line 18, after the period, by inserting the following:

"Those qualifications shall include requirements for training, education, and at least 2 years of relevant experience."; and

by replacing line 1 on page 3 through line 14 on page 4 with the following:

"(105 ILCS 5/3-14.21) (from Ch. 122, par. 3-14.21)

Sec. 3-14.21. Inspection of schools.

(a) The regional superintendent shall inspect and survey all public schools under his or her supervision and notify the board of education, or the trustees of schools in a district with trustees, in writing before July 30, whether or not the several schools in their district have been kept as required by law, using forms provided by the State Board of Education which are based on the Health/Life Safety Code for Public Schools adopted under Section 2-3.12. The regional superintendent shall report his or her findings to the State Board of Education on forms provided by the State Board of Education.

(b) If the regional superintendent determines that a school board has failed in a timely manner to correct urgent items identified in a previous life-safety report completed under Section 2-3.12 or as otherwise previously ordered by the regional superintendent, the regional superintendent shall order the school board to adopt and submit to the regional superintendent a plan for the immediate correction of the building violations. This plan shall be adopted following a public hearing that is conducted by the school board on the violations and the plan and that is preceded by at least 7 days' prior notice of the hearing published in a newspaper of general circulation within the school district. If the regional superintendent determines in the next annual inspection that the plan has not been completed and that the violations have not been corrected, the regional superintendent shall submit a report to the State Board of Education with a recommendation that the State Board withhold from payments of general State aid due to the district an amount necessary to correct the outstanding violations. The State Board, upon notice to the school board and to the regional superintendent, shall consider the report at a meeting of the State Board, and may order that a sufficient amount of general State aid be withheld from payments due to the district to correct the violations. This amount shall be paid to the regional superintendent who shall contract on behalf of the school board for the correction of the outstanding violations.

(c) The Office of the State Fire Marshal or a qualified fire official, as defined in Section 2-3.12 of this Code, to whom the State Fire Marshal has delegated his or her authority shall conduct an annual fire safety inspection of each school building in this State. The State Fire Marshal or the fire official shall

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coordinate its inspections with the regional superintendent. The inspection shall be based on the fire safety code authorized in Section 2-3.12 of this Code. Any violations shall be reported in writing to the regional superintendent and school board and shall reference the specific code sections where a discrepancy has been identified within 15 days after the inspection has been conducted. The regional superintendent shall address those violations that are not corrected in a timely manner pursuant to subsection (b) of this Section. The inspection must be at no cost to the school district.

(d) If a municipality or, in the case of an unincorporated area, a county or, if applicable, a fire protection district wishes to perform new construction inspections under the jurisdiction of a regional superintendent, then the entity must register this wish with the regional superintendent. These inspections must be based on the building code authorized in Section 2-3.12 of this Code. The inspections must be at no cost to the school district.

(Source: P.A. 94-225, eff. 7-14-05.)"

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

On motion of Senator J. Jones, **House Bill No. 5429** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hendon, **House Bill No. 5524** was taken up, read by title a second time and ordered to a third reading.

#### EXCUSED FROM ATTENDANCE

On motion of Senator Link, Senators Lightford and Viverito were excused from attendance due to personal business, and Senator Silverstein was excused from attendance due to legislative business in his district.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Dahl, **House Bill No. 1620**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 49; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sandoval
Axley	Geo-Karis	Millner	Schoenberg
Bomke	Haine	Munoz	Shadid
Brady	Halvorson	Pankau	Sullivan
Burzynski	Harmon	Peterson	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Raoul	Watson
Crotty	Jacobs	Rauschenberger	Wilhelmi
Cullerton	Jones, J.	Righter	Winkel
Dahl	Lauzen	Risinger	Mr. President
del Valle	Link	Ronen	
DeLeo	Luechtefeld	Roskam	
Demuzio	Maloney	Rutherford	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate amendment adopted thereto.

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On motion of Senator Garrett, **House Bill No. 2497**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 48; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Millner	Schoenberg
Axley	Geo-Karis	Munoz	Shadid
Bomke	Haine	Pankau	Sullivan
Brady	Halvorson	Peterson	Syverson
Burzynski	Harmon	Radogno	Trotter
Clayborne	Hendon	Raoul	Watson
Collins	Hunter	Rauschenberger	Wilhelmi
Crotty	Jacobs	Righter	Winkel
Cullerton	Lauzen	Risinger	Mr. President
Dahl	Link	Ronen	
del Valle	Luechtefeld	Roskam	
DeLeo	Maloney	Rutherford	
Demuzio	Martinez	Sandoval	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Demuzio, **House Bill No. 4147**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 49; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sandoval
Axley	Geo-Karis	Millner	Schoenberg
Bomke	Haine	Munoz	Shadid
Brady	Halvorson	Pankau	Sullivan
Burzynski	Harmon	Peterson	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Raoul	Watson
Crotty	Jacobs	Rauschenberger	Wilhelmi
Cullerton	Jones, J.	Righter	Winkel
Dahl	Lauzen	Risinger	Mr. President
del Valle	Link	Ronen	
DeLeo	Luechtefeld	Roskam	
Demuzio	Maloney	Rutherford	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate amendment adopted thereto.

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On motion of Senator DeLeo, **House Bill No. 4161**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 45; Nays 2.

The following voted in the affirmative:

Althoff	Geo-Karis	Millner	Sandoval
Axley	Haine	Munoz	Schoenberg
Brady	Halvorson	Pankau	Sullivan
Burzynski	Harmon	Peterson	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Raoul	Watson
Crotty	Jacobs	Rauschenberger	Wilhelmi
Cullerton	Lauzen	Righter	Winkel
Dahl	Link	Risinger	Mr. President
del Valle	Luechtefeld	Ronen	
DeLeo	Maloney	Roskam	
Demuzio	Martinez	Rutherford	

The following voted in the negative:

Bomke  
Jones, J.

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate amendment adopted thereto.

On motion of Senator Hunter, **House Bill No. 4172**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 49; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sandoval
Axley	Geo-Karis	Millner	Schoenberg
Bomke	Haine	Munoz	Shadid
Brady	Halvorson	Pankau	Sullivan
Burzynski	Harmon	Peterson	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Raoul	Watson
Crotty	Jacobs	Rauschenberger	Wilhelmi
Cullerton	Jones, J.	Righter	Winkel
Dahl	Lauzen	Risinger	Mr. President
del Valle	Link	Ronen	
DeLeo	Luechtefeld	Roskam	
Demuzio	Maloney	Rutherford	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).  
Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harmon, **House Bill No. 4286**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 43; Nays 5.

The following voted in the affirmative:

Althoff	Geo-Karis	Millner	Rutherford
Axley	Haine	Munoz	Sandoval
Bomke	Halvorson	Pankau	Schoenberg
Brady	Harmon	Peterson	Shadid
Clayborne	Hendon	Radogno	Sullivan
Collins	Hunter	Raoul	Syverson
Crotty	Jacobs	Rauschenberger	Trotter
Cullerton	Link	Righter	Watson
Dahl	Luechtefeld	Risinger	Winkel
del Valle	Maloney	Ronen	Mr. President
DeLeo	Martinez	Roskam	

The following voted in the negative:

Burzynski	Jones, J.	Wilhelmi
Demuzio	Lauzen	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).  
Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Ronen, **House Bill No. 4302**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 49; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sandoval
Axley	Geo-Karis	Millner	Schoenberg
Bomke	Haine	Munoz	Shadid
Brady	Halvorson	Pankau	Sullivan
Burzynski	Harmon	Peterson	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Raoul	Watson
Crotty	Jacobs	Rauschenberger	Wilhelmi
Cullerton	Jones, J.	Righter	Winkel
Dahl	Lauzen	Risinger	Mr. President
del Valle	Link	Ronen	

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DeLeo	Luechtefeld	Roskam
Demuzio	Maloney	Rutherford

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Peterson, **House Bill No. 4317**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 49; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sandoval
Axley	Geo-Karis	Millner	Schoenberg
Bomke	Haine	Munoz	Shadid
Brady	Halvorson	Pankau	Sullivan
Burzynski	Harmon	Peterson	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Raoul	Watson
Crotty	Jacobs	Rauschenberger	Wilhelmi
Cullerton	Jones, J.	Righter	Winkel
Dahl	Lauzen	Risinger	Mr. President
del Valle	Link	Ronen	
DeLeo	Luechtefeld	Roskam	
Demuzio	Maloney	Rutherford	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Haine, **House Bill No. 4377**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 43; Nays 2.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Rutherford
Bomke	Geo-Karis	Millner	Sandoval
Brady	Haine	Munoz	Schoenberg
Burzynski	Harmon	Pankau	Shadid
Clayborne	Hendon	Peterson	Sullivan
Crotty	Hunter	Radogno	Syverson
Cullerton	Jacobs	Raoul	Trotter
Dahl	Lauzen	Righter	Watson
del Valle	Link	Risinger	Wilhelmi
DeLeo	Luechtefeld	Ronen	Mr. President
Demuzio	Maloney	Roskam	

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The following voted in the negative:

Axley  
Collins

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).  
Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Collins, **House Bill No. 4688**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 49; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sandoval
Axley	Geo-Karis	Millner	Schoenberg
Bomke	Haine	Munoz	Shadid
Brady	Halvorson	Pankau	Sullivan
Burzynski	Harmon	Peterson	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Raoul	Watson
Crotty	Jacobs	Rauschenberger	Wilhelmi
Cullerton	Jones, J.	Righter	Winkel
Dahl	Lauzen	Risinger	Mr. President
del Valle	Link	Ronen	
DeLeo	Luechtefeld	Roskam	
Demuzio	Maloney	Rutherford	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).  
Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Axley, **House Bill No. 4699**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 47; Nays 1.

The following voted in the affirmative:

Althoff	Garrett	Maloney	Rutherford
Axley	Geo-Karis	Martinez	Sandoval
Bomke	Haine	Millner	Schoenberg
Brady	Halvorson	Munoz	Shadid
Burzynski	Harmon	Pankau	Sullivan
Clayborne	Hendon	Peterson	Syverson
Collins	Hunter	Radogno	Trotter
Cullerton	Jacobs	Raoul	Watson
Dahl	Jones, J.	Righter	Wilhelmi
del Valle	Lauzen	Risinger	Winkel

[March 27, 2006]

DeLeo	Link	Ronen	Mr. President
Demuzio	Luechtefeld	Roskam	

The following voted in the negative:

Rauschenberger

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Maloney, **House Bill No. 4785**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 50; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Maloney	Rutherford
Axley	Garrett	Martinez	Sandoval
Bomke	Geo-Karis	Millner	Schoenberg
Brady	Haine	Munoz	Shadid
Burzynski	Halvorson	Pankau	Sullivan
Clayborne	Harmon	Peterson	Syverson
Collins	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Watson
Cullerton	Jacobs	Rauschenberger	Wilhelmi
Dahl	Jones, J.	Righter	Winkel
del Valle	Lauzen	Risinger	Mr. President
DeLeo	Link	Ronen	
Demuzio	Luechtefeld	Roskam	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Haine, **House Bill No. 4822**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 49; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sandoval
Axley	Geo-Karis	Millner	Schoenberg
Bomke	Haine	Munoz	Shadid
Brady	Halvorson	Pankau	Sullivan
Burzynski	Harmon	Peterson	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Raoul	Watson
Crotty	Jacobs	Rauschenberger	Wilhelmi

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Cullerton	Jones, J.	Righter	Winkel
Dahl	Lauzen	Risinger	Mr. President
del Valle	Link	Ronen	
DeLeo	Luechtefeld	Roskam	
Dillard	Maloney	Rutherford	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Watson, **House Bill No. 4832**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 50; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Maloney	Rutherford
Axley	Garrett	Martinez	Sandoval
Bomke	Geo-Karis	Millner	Schoenberg
Brady	Haine	Munoz	Shadid
Burzynski	Halvorson	Pankau	Sullivan
Clayborne	Harmon	Peterson	Syverson
Collins	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Watson
Cullerton	Jacobs	Rauschenberger	Wilhelmi
Dahl	Jones, J.	Righter	Winkel
del Valle	Lauzen	Risinger	Mr. President
DeLeo	Link	Ronen	
Demuzio	Luechtefeld	Roskam	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sullivan, **House Bill No. 4986**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 50; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Maloney	Rutherford
Axley	Garrett	Martinez	Sandoval
Bomke	Geo-Karis	Millner	Schoenberg
Brady	Haine	Munoz	Shadid
Burzynski	Halvorson	Pankau	Sullivan
Clayborne	Harmon	Peterson	Syverson
Collins	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Watson
Cullerton	Jacobs	Rauschenberger	Wilhelmi

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Dahl	Jones, J.	Righter	Winkel
del Valle	Lauzen	Risinger	Mr. President
DeLeo	Link	Ronen	
Demuzio	Luechtefeld	Roskam	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).  
Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Raoul, **House Bill No. 4999**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 50; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Maloney	Rutherford
Axley	Garrett	Martinez	Sandoval
Bomke	Geo-Karis	Millner	Schoenberg
Brady	Haine	Munoz	Shadid
Burzynski	Halvorson	Pankau	Sullivan
Clayborne	Harmon	Peterson	Syverson
Collins	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Watson
Cullerton	Jacobs	Rauschenberger	Wilhelmi
Dahl	Jones, J.	Righter	Winkel
del Valle	Lauzen	Risinger	Mr. President
DeLeo	Link	Ronen	
Demuzio	Luechtefeld	Roskam	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).  
Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Haine, **House Bill No. 5245**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 49; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Martinez	Sandoval
Axley	Geo-Karis	Millner	Schoenberg
Bomke	Haine	Munoz	Shadid
Brady	Halvorson	Pankau	Sullivan
Burzynski	Harmon	Peterson	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Raoul	Watson
Crotty	Jacobs	Rauschenberger	Wilhelmi
Cullerton	Jones, J.	Righter	Winkel

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Dahl	Lauzen	Risinger	Mr. President
del Valle	Link	Ronen	
DeLeo	Luechtefeld	Roskam	
Demuzio	Maloney	Rutherford	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).  
Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Jacobs, **House Bill No. 5251**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 50; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Maloney	Rutherford
Axley	Garrett	Martinez	Sandoval
Bomke	Geo-Karis	Millner	Schoenberg
Brady	Haine	Munoz	Shadid
Burzynski	Halvorson	Pankau	Sullivan
Clayborne	Harmon	Peterson	Syverson
Collins	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Watson
Cullerton	Jacobs	Rauschenberger	Wilhelmi
Dahl	Jones, J.	Righter	Winkel
del Valle	Lauzen	Risinger	Mr. President
DeLeo	Link	Ronen	
Demuzio	Luechtefeld	Roskam	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).  
Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Garrett, **House Bill No. 5267**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 50; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Maloney	Rutherford
Axley	Garrett	Martinez	Sandoval
Bomke	Geo-Karis	Millner	Schoenberg
Brady	Haine	Munoz	Shadid
Burzynski	Halvorson	Pankau	Sullivan
Clayborne	Harmon	Peterson	Syverson
Collins	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Watson
Cullerton	Jacobs	Rauschenberger	Wilhelmi

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Dahl	Jones, J.	Righter	Winkel
del Valle	Lauzen	Risinger	Mr. President
DeLeo	Link	Ronen	
Demuzio	Luechtefeld	Roskam	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).  
Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harmon, **House Bill No. 5300**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 50; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Maloney	Rutherford
Axley	Garrett	Martinez	Sandoval
Bomke	Geo-Karis	Millner	Schoenberg
Brady	Haine	Munoz	Shadid
Burzynski	Halvorson	Pankau	Sullivan
Clayborne	Harmon	Peterson	Syverson
Collins	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Watson
Cullerton	Jacobs	Rauschenberger	Wilhelmi
Dahl	Jones, J.	Righter	Winkel
del Valle	Lauzen	Risinger	Mr. President
DeLeo	Link	Ronen	
Demuzio	Luechtefeld	Roskam	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).  
Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Shadid, **House Bill No. 5301**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 50; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Maloney	Rutherford
Axley	Garrett	Martinez	Sandoval
Bomke	Geo-Karis	Millner	Schoenberg
Brady	Haine	Munoz	Shadid
Burzynski	Halvorson	Pankau	Sullivan
Clayborne	Harmon	Peterson	Syverson
Collins	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Watson
Cullerton	Jacobs	Rauschenberger	Wilhelmi

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Dahl	Jones, J.	Righter	Winkel
del Valle	Lauzen	Risinger	Mr. President
DeLeo	Link	Ronen	
Demuzio	Luechtefeld	Roskam	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **House Bill No. 5375**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 49; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Martinez	Sandoval
Axley	Garrett	Millner	Schoenberg
Bomke	Geo-Karis	Munoz	Shadid
Brady	Haine	Pankau	Sullivan
Burzynski	Halvorson	Peterson	Syverson
Clayborne	Harmon	Radogno	Trotter
Collins	Hunter	Raoul	Watson
Crotty	Jacobs	Rauschenberger	Wilhelmi
Cullerton	Jones, J.	Righter	Winkel
Dahl	Lauzen	Risinger	Mr. President
del Valle	Link	Ronen	
DeLeo	Luechtefeld	Roskam	
Demuzio	Maloney	Rutherford	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

Senator Hendon asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 5375**.

On motion of Senator Link, **House Bill No. 5578**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Yeas 50; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Maloney	Rutherford
Axley	Garrett	Martinez	Sandoval
Bomke	Geo-Karis	Millner	Schoenberg
Brady	Haine	Munoz	Shadid
Burzynski	Halvorson	Pankau	Sullivan
Clayborne	Harmon	Peterson	Syverson
Collins	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Watson

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Cullerton	Jacobs	Rauschenberger	Wilhelmi
Dahl	Jones, J.	Righter	Winkel
del Valle	Lauzen	Risinger	Mr. President
DeLeo	Link	Ronen	
Demuzio	Luechtefeld	Roskam	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator E. Jones, **House Bill No. 448** having been printed, was taken up and read by title a second time.

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

##### AMENDMENT NO. 1 TO HOUSE BILL 448

AMENDMENT NO. 1. Amend House Bill 448 by replacing everything after the enacting clause with the following:

"Section 5. The Raffles Act is amended by changing Section 0.01 as follows:

(230 ILCS 15/0.01) (from Ch. 85, par. 2300)

Sec. 0.01. Short title. This Act may be cited as the ~~the~~ Raffles Act.

(Source: P.A. 86-1324.)".

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

On motion of Senator E. Jones, **House Bill No. 1261** having been printed, was taken up and read by title a second time.

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

##### AMENDMENT NO. 1 TO HOUSE BILL 1261

AMENDMENT NO. 1. Amend House Bill 1261 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Act on the Aging is amended by changing Section 1 as follows:

(20 ILCS 105/1) (from Ch. 23, par. 6101)

Sec. 1. This Act shall be known and ~~and~~ may be cited as the "Illinois Act on the Aging".

(Source: P.A. 78-242.)".

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

On motion of Senator Martinez, **House Bill No. 1299** was taken up, read by title a second time.

Committee Amendment Nos. 1, 2 and 3 were held in the Committee on Rules.

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

##### AMENDMENT NO. 4 TO HOUSE BILL 1299

AMENDMENT NO. 4. Amend House Bill 1299 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Predator Accountability Act.

Section 5. Purpose. The purpose of this Act is to allow persons who have been or who are subjected to the sex trade to seek civil damages and remedies from individuals and entities that recruited, harmed, profited from, or maintained them in the sex trade.

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Section 10. Definitions. As used in this Act:

"Sex trade" means any act, which if proven beyond a reasonable doubt could support a conviction for a violation or attempted violation of any of the following Sections of the Criminal Code of 1961: 11-15 (soliciting for a prostitute); 11-15.1 (soliciting for a juvenile prostitute); 11-16 (pandering); 11-17 (keeping a place of prostitution); 11-17.1 (keeping a place of juvenile prostitution); 11-19 (pimping); 11-19.1 (juvenile pimping and aggravated juvenile pimping); 11-19.2 (exploitation of a child); 11-20 (obscenity); or 11-20.1 (child pornography); or Article 10A of the Criminal Code of 1961 (trafficking of persons and involuntary servitude).

"Sex trade" activity may involve adults and youth of all genders and sexual orientations.

"Victim of the sex trade" means, for the following sex trade acts, the person or persons indicated:

- (1) soliciting for a prostitute: the prostitute who is the object of the solicitation;
- (2) soliciting for a juvenile prostitute: the juvenile prostitute, or severely or profoundly mentally retarded person, who is the object of the solicitation;
- (3) pandering: the person intended or compelled to act as a prostitute;
- (4) keeping a place of prostitution: any person intended or compelled to act as a prostitute, while present at the place, during the time period in question;
- (5) keeping a place of juvenile prostitution: any juvenile intended or compelled to act as a prostitute, while present at the place, during the time period in question;
- (6) pimping: the prostitute from whom anything of value is received;
- (7) juvenile pimping and aggravated juvenile pimping: the juvenile, or severely or profoundly mentally retarded person, from whom anything of value is received for that person's act of prostitution;
- (8) exploitation of a child: the juvenile, or severely or profoundly mentally retarded person, intended or compelled to act as a prostitute or from whom anything of value is received for that person's act of prostitution;
- (9) obscenity: any person who appears in or is described or depicted in the offending conduct or material;
- (10) child pornography: any child, or severely or profoundly mentally retarded person, who appears in or is described or depicted in the offending conduct or material; or
- (11) trafficking of persons or involuntary servitude: a "trafficking victim" as defined in Section 10A-5 of the Criminal Code of 1961.

Section 15. Cause of action.

- (a) Violations of this Act are actionable in civil court.
- (b) A victim of the sex trade has a cause of action against a person or entity who:
  - (1) recruits, harms or profits from, or maintains the victim in any sex trade act; or
  - (2) knowingly advertises or publishes advertisements for purposes of recruitment into sex trade activity.

Section 20. Relief.

(a) A prevailing victim of the sex trade shall be entitled to all relief that would make him or her whole. This includes, but is not limited to:

- (1) declaratory relief;
- (2) injunctive relief;
- (3) recovery of costs and attorney fees including, but not limited to, costs for expert testimony and witness fees;
- (4) compensatory damages including, but not limited to:
  - (A) economic loss, including damage, destruction, or loss of use of personal property, and loss of past or future earning capacity; and
  - (B) damages for death, personal injury, disease, and mental and emotional harm, including medical, rehabilitation, burial expenses, pain and suffering, and physical impairment;
- (5) punitive damages; and
- (6) damages in the amount of the gross revenues received by the defendant from, or related to, the sex trade activities of the plaintiff.

## Section 25. Non-defenses.

- (a) It is not a defense to an action brought under this Act that:
- (1) the victim of the sex trade and the defendant had a marital or consenting sexual relationship;
  - (2) the defendant is related to the victim of the sex trade by blood or marriage, or has lived with the defendant in any formal or informal household arrangement;
  - (3) the victim of the sex trade was paid or otherwise compensated for sex trade activity;
  - (4) the victim of the sex trade engaged in sex trade activity prior to any involvement with the defendant;
  - (5) the victim of the sex trade made no attempt to escape, flee, or otherwise terminate contact with the defendant;
  - (6) the victim of the sex trade consented to engage in acts of the sex trade;
  - (7) it was a single incident of activity; or
  - (8) there was no physical contact involved.
- (b) Any illegality of the sex trade activity on the part of the victim of the sex trade shall not be an affirmative defense to any action brought under this Act.

Section 30. Evidence. Related to a cause of action under this Act, the fact that a plaintiff or other witness has testified under oath or given evidence relating to an act that may be a violation of any provision of the Criminal Code of 1961 shall not be construed to require the State's Attorney to criminally charge any person for such violation.

Section 35. Remedies preserved. This Act does not affect the right of any person to bring an action or use any remedy available under other law, including common law, to recover damages arising out of the use of the victim of the sex trade in the sex trade nor does this Act limit or restrict the liability of any person under other law. This Act does not reflect a determination of a policy regarding the applicability of strict liability to activities relating to the sex trade.

Section 40. Double recovery prohibited. Any person who recovers damages under this Act may not recover the same costs or damages under any other Act. A person who recovers damages under any other Act may not recover for the same costs or damages under this Act.

Section 45. No avoidance of liability. No person may avoid liability under this Act by means of any conveyance of any right, title, or interest in real property, or by any indemnification, hold harmless agreement, or similar agreement that purports to show consent of the victim of the sex trade.

Section 55. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or its application does not affect other provisions or application of this Act that can be given effect without the invalid provision or application.

Section 80. The Code of Civil Procedure is amended by adding Section 13-225 as follows:

(735 ILCS 5/13-225 new)

Sec. 13-225. Predator accountability.

(a) In this Section, "sex trade" and "victim of the sex trade" have the meanings ascribed to them in Section 10 of the Predator Accountability Act.

(b) Subject to both subsections (e) and (f) and notwithstanding any other provision of law, an action under the Predator Accountability Act must be commenced within 10 years of the date the limitation period begins to run under subsection (d) or within 10 years of the date the plaintiff discovers or through the use of reasonable diligence should discover both (i) that the sex trade act occurred, and (ii) that the defendant caused, was responsible for, or profited from the sex trade act. The fact that the plaintiff discovers or through the use of reasonable diligence should discover that the sex trade act occurred is not, by itself, sufficient to start the discovery period under this subsection (b).

(c) If the injury is caused by 2 or more acts that are part of a continuing series of sex trade acts by the same defendant, then the discovery period under subsection (b) shall be computed from the date the person abused discovers or through the use of reasonable diligence should discover (i) that the last sex trade act in the continuing series occurred, and (ii) that the defendant caused, was responsible for, or profited from the series of sex trade acts. The fact that the plaintiff discovers or through the use of

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reasonable diligence should discover that the last sex trade act in the continuing series occurred is not, by itself, sufficient to start the discovery period under subsection (b).

(d) The limitation periods in subsection (b) do not begin to run before the plaintiff attains the age of 18 years; and, if at the time the plaintiff attains the age of 18 years he or she is under other legal disability, the limitation periods under subsection (b) do not begin to run until the removal of the disability.

(e) The limitation periods in subsection (b) do not run during a time period when the plaintiff is subject to threats, intimidation, manipulation, or fraud perpetrated by the defendant or by any person acting in the interest of the defendant.

(f) The limitation periods in subsection (b) do not commence running until the expiration of all limitations periods applicable to the criminal prosecution of the plaintiff for any acts which form the basis of a cause of action under the Predator Accountability Act.

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

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

On motion of Senator E. Jones, **House Bill No. 1604** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 1604**

AMENDMENT NO. 1. Amend House Bill 1604 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-1 as follows:

(20 ILCS 2310/2310-1)

Sec. 2310-1. Article short title. This Article 2310 of ~~the~~ the Civil Administrative Code of Illinois may be cited as the Department of Public Health Powers and Duties Law. (Source: P.A. 91-239, eff. 1-1-00.)"

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

On motion of Senator del Valle, **House Bill No. 2012** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 2012**

AMENDMENT NO. 1. Amend House Bill 2012 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 34-18.33 as follows:

(105 ILCS 5/34-18.33 new)

Sec. 34-18.33. Closure of school."

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

On motion of Senator Martinez, **House Bill No. 2469** was taken up, read by title a second time. Committee Amendment Nos. 1, 2 and 3 were held in the Committee on Rules.

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

On motion of Senator E. Jones, **House Bill No. 2708** having been printed, was taken up and read by title a second time.

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

[March 27, 2006]



**AMENDMENT NO. 1 TO HOUSE BILL 2708**

AMENDMENT NO. 1. Amend House Bill 2708 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 1.1 as follows:  
(30 ILCS 105/1.1) (from Ch. 127, par. 137.1)

Sec. 1.1. This Act shall be known and ~~and~~ may be cited as the "State Finance Act".  
(Source: P.A. 86-109.)".

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

On motion of Senator Cullerton, **House Bill No. 3126** 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.

On motion of Senator Cullerton, **House Bill No. 4134** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 4186** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Health & Human Services, adopted and ordered printed:

**AMENDMENT NO. 1 TO HOUSE BILL 4186**

AMENDMENT NO. 1. Amend House Bill 4186 on page 19, by replacing lines 26 through 31 with the following:

"involved in implementing the rule. On or before September 1 of 2007 and each year"; and

on page 19, by deleting lines 34 through 36; and

on page 20, by deleting lines 1 through 18; and

on page 20, line 19, by changing "(c)" to "(b)".

Floor Amendment No. 2 was referred to the Committee on Rules earlier today.

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

On motion of Senator Ronen, **House Bill No. 4297** was taken up, read by title a second time.  
Committee Amendment No. 1 was held in the Committee on Rules.

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

On motion of Senator Cullerton, **House Bill No. 4306** 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.

On motion of Senator Martinez, **House Bill No. 4342** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Housing & Community Affairs, adopted and ordered printed:

**AMENDMENT NO. 1 TO HOUSE BILL 4342**

AMENDMENT NO. 1. Amend House Bill 4342 by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Park Act is amended by adding Section 9.15 as follows:  
(210 ILCS 115/9.15 new)

Sec. 9.15. Fire safety.

(a) Each mobile home park shall be inspected annually pursuant to the applicable mobile home park fire protection standards. The inspection shall be conducted by the municipal fire department or fire

protection district that has jurisdictional responsibility for responding to a fire call in that park.

If, upon inspection, the municipal fire department or fire protection district finds that a park does not meet the applicable fire protection standards as determined by the Department of Public Health, the municipal fire department or fire protection district shall, within 3 days, give a written notice of violation to the licensee and to the Department of Public Health of any violation or required modification or repair. The licensee shall have 14 days after receipt of the written notice to correct the violation or submit a plan for correction, repair, or modification to the Department.

No less than 60 days after the receipt of the notice by the licensee, the municipal fire department or fire protection district shall reinspect the park and issue a written reinspection report to the licensee and the Department of Public Health concerning the status of the licensee's compliance with the notice and whether any violation still exists. If the municipal fire department or fire protection district determines on reinspection that a licensee has not complied with the notice or that the compliance is not complete, the municipal fire department or fire protection district shall notify in writing, within 3 days, the Department of Public Health and the licensee. Upon receipt of the notice, the Department shall conduct an administrative hearing pursuant to the Illinois Administrative Procedure Act to determine what action, if any, is required to comply with the notice and by what date compliance must occur.

If a licensee fails to comply with the requirements as put forth in the administrative hearing order then the Department shall notify the appropriate municipal attorney or State's Attorney of the licensee's failure to comply with the administrative hearing order and shall deliver to that attorney for purposes of enforcement under this Section copies of all written notices and reports concerning the violation.

(b) A licensee who knowingly rents or offers for rent a mobile home or mobile home lot in violation of the administrative hearing order without correcting the violation is guilty of a petty offense. The penalty shall be a civil penalty of not more than \$500 per day of violation. The first day of violation for purposes of assessing a civil penalty shall be the date that the licensee fails to conform with the compliance date as set forth in the administrative hearing order.

(c) As used in this Section, "applicable mobile home park fire protection standards" means the rules adopted by the Department of Public Health for fire safety in mobile home parks.

(d) Notwithstanding Section 26 of this Act, the regulation of fire safety in a mobile home park is an exclusive power and function of the State. A home rule unit may not regulate the legal rights, remedies, and obligation of a licensee under this Section. This Section is a denial and limitation under subsection (h) of Section 6 of Article VII of the Illinois Constitution."

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

On motion of Senator Cullerton, **House Bill No. 4357** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 4383** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 4442** having been printed, was taken up and read by title a second time.

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

#### **AMENDMENT NO. 1 TO HOUSE BILL 4442**

AMENDMENT NO. 1. Amend House Bill 4442 by replacing everything after the enacting clause with the following:

"Section 5. The Open Meetings Act is amended by changing Section 1.01 as follows:  
(5 ILCS 120/1.01) (from Ch. 102, par. 41.01)

Sec. 1.01. This Act shall be known and ~~and~~ may be cited as the Open Meetings Act.  
(Source: P.A. 82-378.)"

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

On motion of Senator E. Jones, **House Bill No. 4453** having been printed, was taken up and read by title a second time.

[March 27, 2006]

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

**AMENDMENT NO. 1 TO HOUSE BILL 4453**

AMENDMENT NO. 1. Amend House Bill 4453 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Workforce Investment Board Act is amended by changing Section 4.5 as follows:

(20 ILCS 3975/4.5)

Sec. 4.5. Duties.

(a) The Board must perform all ~~the~~ the functions of a state workforce investment board under the federal Workforce Investment Act of 1998, any amendments to that Act, and any other applicable federal statutes. The Board must also perform all other functions that are not inconsistent with the federal Workforce Investment Act of 1998 or this Act and that are assumed by the Board under its bylaws or assigned to it by the Governor.

(b) The Board must cooperate with the General Assembly and make recommendations to the Governor and the General Assembly concerning legislation necessary to improve upon statewide and local workforce investment systems in order to increase occupational skill attainment, employment, retention, or earnings of participants and thereby improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the State. The Board must annually submit a report to the General Assembly on the progress of the State in achieving state performance measures under the federal Workforce Investment Act of 1998, including information on the levels of performance achieved by the State with respect to the core indicators of performance and the customer satisfaction indicator under that Act. The report must include any other items that the Governor may be required to report to the Secretary of the United States Department of Labor under Section 136(d) of the federal Workforce Investment Act of 1998.

(b-5) The Board shall implement a method for measuring the progress of the State's workforce development system by using specified benchmarks. Those benchmarks are: (i) the educational level of working adults; (ii) the percentage of the adult workforce in education and training; (iii) adult literacy; (iv) the percentage of high school graduates transitioning to education or training; (v) the high school dropout rate; (vi) the number of youth transitioning from 8th grade to 9th grade; (vii) the percentage of individuals and families at economic self-sufficiency; (viii) the average growth in pay; (ix) net job growth; and (x) productivity per employee.

The Board shall identify the most significant early indicators for each benchmark, establish a mechanism to collect data and track the benchmarks on an annual basis, and then use the results to set goals for each benchmark, to inform planning, and to ensure the effective use of State resources.

(c) Nothing in this Act shall be construed to require or allow the Board to assume or supersede the statutory authority granted to, or impose any duties or requirements on, the State Board of Education, the Board of Higher Education, the Illinois Community College Board, any State agencies created under the Civil Administrative Code of Illinois, or any local education agencies.

(d) No actions taken by the Illinois Human Resource Investment Council before the effective date of this amendatory Act of the 92nd General Assembly and no rights, powers, duties, or obligations from those actions are impaired solely by this amendatory Act of the 92nd General Assembly. All actions taken by the Illinois Human Resource Investment Council before the effective date of this amendatory Act of the 92nd General Assembly are ratified and validated.  
(Source: P.A. 92-588, eff. 7-1-02; 93-331, eff. 1-1-04.)"

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

On motion of Senator Dillard, **House Bill No. 4463** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 4541** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **House Bill No. 4561** was taken up, read by title a second time and ordered to a third reading.

[March 27, 2006]

On motion of Senator Martinez, **House Bill No. 4606** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 4606**

AMENDMENT NO. 1. Amend House Bill 4606 on page 2, by replacing lines 29 through 31 with the following:

"discovery of the offense by the victim."; and

on page 3, by replacing lines 12 through 14 with the following:

"commenced within 10 years of the commission of the offense if the victim reported the offense to law enforcement authorities within 3 ~~2~~ years after the commission of the offense."

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

On motion of Senator E. Jones, **House Bill No. 4666** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 4666**

AMENDMENT NO. 1. Amend House Bill 4666 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Section 2105-1 as follows:

(20 ILCS 2105/2105-1)

Sec. 2105-1. Article short title. This Article 2105 of ~~the~~ the Civil Administrative Code of Illinois may be cited as the Department of Professional Regulation Law.

(Source: P.A. 91-239, eff. 1-1-00)."

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

On motion of Senator Martinez, **House Bill No. 4711** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 4711**

AMENDMENT NO. 1. Amend House Bill 4711 by replacing lines 35 and 36 on page 4 and lines 1 through 10 on page 5 with the following:

"(n) A violation of subsection (a) of this Section may be inferred from evidence that the accused possessed any device or equipment described in subsection (d), (e), or (h) of this Section, and also possessed any dog.

(o) When no longer required for investigations or court proceedings relating to the events described or depicted therein, evidence relating to convictions for violations of this Section shall be retained and made available for use in training peace officers in detecting and identifying violations of this Section. Such evidence shall be made available upon request to other law enforcement agencies and to schools certified under the Illinois Police Training Act."

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

On motion of Senator Munoz, **House Bill No. 4727** having been printed, was taken up and read by title a second time.

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

[March 27, 2006]

**AMENDMENT NO. 1 TO HOUSE BILL 4727**

AMENDMENT NO. 1. Amend House Bill 4727 on page 1, by replacing lines 9 through 24 with the following:

"(1) The Commission shall suspend or revoke the permit of an operator if it finds that:

(a) The operator or dispatcher made a false statement on the application for an operator's or dispatcher's employment permit;

(b) The operator's or dispatcher's driver's license issued by the Secretary of State has been suspended or revoked; or

(c) The operator or dispatcher has been convicted, during the preceding 5 years, of any criminal offense of the State of Illinois or any other jurisdiction involving any of the following, and the holder does not make a compelling showing that he is nevertheless fit to hold an operator's license."; and

on page 2, line 2, by replacing "safety." with the following:

"safety, and the holder does not make a compelling showing that he or she is nevertheless fit to hold an operator's license".

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

On motion of Senator E. Jones, **House Bill No. 4729** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 4729**

AMENDMENT NO. 1. Amend House Bill 4729 by replacing everything after the enacting clause with the following:

"Section 5. The Military Code of Illinois is amended by changing Section 20 as follows:

(20 ILCS 1805/20) (from Ch. 129, par. 220.20)

Sec. 20. There is hereby established in the ~~the~~ Executive Branch of the State Government, a principal department which shall be known as the Department of Military Affairs. The Department of Military Affairs shall consist of The Adjutant General, Chief of Staff; an Assistant Adjutant General for Army; an Assistant Adjutant General for Air; and the number of military and civilian employees required. It is the channel of communication between the Federal Government and the State of Illinois on all matters pertaining to the State military forces.

(Source: P.A. 85-1241)."

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

On motion of Senator Martinez, **House Bill No. 4829** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 4829**

AMENDMENT NO. 1. Amend House Bill 4829 on page 1, by replacing line 5 with the following:

"changing Sections 7A-102 and 7B-102 as follows:

(775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

Sec. 7A-102. Procedures.

(A) Charge.

(1) Within 180 days after the date that a civil rights violation allegedly has been committed, a charge in writing under oath or affirmation may be filed with the Department by an aggrieved party or issued by the Department itself under the signature of the Director.

(2) The charge shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged civil rights violation.

(A-1) Equal Employment Opportunity Commission Charges. A charge filed with the Equal

[March 27, 2006]

Employment Opportunity Commission within 180 days after the date of the alleged civil rights violation shall be deemed filed with the Department on the date filed with the Equal Employment Opportunity Commission. Upon receipt of a charge filed with the Equal Employment Opportunity Commission, the Department shall notify the complainant that he or she may proceed with the Department. The complainant must notify the Department of his or her decision in writing within 35 days of receipt of the Department's notice to the complainant and the Department shall close the case if the complainant does not do so. If the complainant proceeds with the Department, the Department shall take no action until the Equal Employment Opportunity Commission makes a determination on the charge. Upon receipt of the Equal Employment Opportunity Commission's determination, the Department shall cause the charge to be filed under oath or affirmation and to be in such detail as provided for under subparagraph (2) of paragraph (A). At the Department's discretion, the Department shall either adopt the Equal Employment Opportunity Commission's determination or process the charge pursuant to this Act. Adoption of the Equal Employment Opportunity Commission's determination shall be deemed a determination by the Department for all purposes under this Act.

(B) Notice, and Response, and Review of Charge. The Department shall, within 10 days of the date on which the charge was filed, serve a copy of the charge on the respondent. This period shall not be construed to be jurisdictional. The charging party and the respondent may each file a position statement and other materials with the Department regarding the charge of alleged discrimination within 60 days of receipt of the notice of the charge. The position statements and other materials filed shall remain confidential unless otherwise agreed to by the party providing the information and shall not be served on or made available to the other party during pendency of a charge with the Department. The Department shall require the respondent to file a verified response to the allegations contained in the charge within 60 days of receipt of the notice of the charge. The respondent shall serve a copy of its response on the complainant or his representative. All allegations contained in the charge not timely denied by the respondent shall be deemed admitted, unless the respondent states that it is without sufficient information to form a belief with respect to such allegation. The Department may issue a notice of default directed to any respondent who fails to file a verified response to a charge within 60 days of receipt of the notice of the charge, unless the respondent can demonstrate good cause as to why such notice should not issue. The term "good cause" shall be defined by rule promulgated by the Department. Within 30 days of receipt of the respondent's response, the complainant may file a reply to said response and shall serve a copy of said reply on the respondent or his representative. A party shall have the right to supplement his response or reply at any time that the investigation of the charge is pending. The Department shall, within 10 days of the date on which the charge was filed, and again no later than 335 days thereafter, send by certified or registered mail written notice to the complainant and to the respondent informing the complainant of the right to file a complaint with the Human Rights Commission under subparagraph (2) of paragraph (G), including in such notice the dates within which the complainant may exercise this right. In the notice the Department shall notify the complainant that the charge of civil rights violation will be dismissed with prejudice and with no right to further proceed if a written complaint is not timely filed with the Commission by the complainant pursuant to subparagraph (2) of paragraph (G) or by the Department pursuant to subparagraph (1) of paragraph (G).

(B-1) Mediation. The complainant and respondent may agree to voluntarily submit the charge to mediation without waiving any rights that are otherwise available to either party pursuant to this Act and without incurring any obligation to accept the result of the mediation process. Nothing occurring in mediation shall be disclosed by the Department or admissible in evidence in any subsequent proceeding unless the complainant and the respondent agree in writing that such disclosure be made.

(C) Investigation.

(1) After the respondent has been notified, the Department shall conduct a full investigation of the allegations set forth in the charge.

(2) The Director or his or her designated representatives shall have authority to request any member of the Commission to issue subpoenas to compel the attendance of a witness or the production for examination of any books, records or documents whatsoever.

(3) If any witness whose testimony is required for any investigation resides outside the State, or through illness or any other good cause as determined by the Director is unable to be interviewed by the investigator or appear at a fact finding conference, his or her testimony or deposition may be taken, within or without the State, in the same manner as is provided for in the taking of depositions in civil cases in circuit courts.

(4) Upon reasonable notice to the complainant and the respondent, the Department shall conduct a fact finding conference prior to 365 days after the date on which the charge was filed, unless the Director has determined whether there is substantial evidence that the alleged civil rights

violation has been committed or the charge has been dismissed for lack of jurisdiction. If the parties agree in writing, the fact finding conference may be held at a time after the 365 day limit. Any party's failure to attend the conference without good cause shall result in dismissal or default. The term "good cause" shall be defined by rule promulgated by the Department. A notice of dismissal or default shall be issued by the Director and shall notify the relevant party that a request for review may be filed in writing with the Chief Legal Counsel of the Department within 30 days of receipt of notice of dismissal or default.

(D) Report.

(1) Each charge shall be the subject of a report to the Director. The report shall be a confidential document subject to review by the Director, authorized Department employees, the parties, and, where indicated by this Act, members of the Commission or their designated hearing officers.

(2) Upon review of the report, the Director shall determine whether there is substantial evidence that the alleged civil rights violation has been committed. The determination of substantial evidence is limited to determining the need for further consideration of the charge pursuant to this Act and includes, but is not limited to, findings of fact and conclusions, as well as the reasons for the determinations on all material issues. Substantial evidence is evidence which a reasonable mind accepts as sufficient to support a particular conclusion and which consists of more than a mere scintilla but may be somewhat less than a preponderance.

(a) If the Director determines that there is no substantial evidence, the charge shall be dismissed by order of the Director and the complainant notified that he or she may seek review of the dismissal order before the Chief Legal Counsel of the Department. The complainant shall have 30 days from receipt of notice to file a request for review by the Chief Legal Counsel of the Department.

(b) If the Director determines that there is substantial evidence, he or she shall designate a Department employee who is an attorney licensed to practice in Illinois to endeavor to eliminate the effect of the alleged civil rights violation and to prevent its repetition by means of conference and conciliation.

(E) Conciliation.

(1) When the Department determines that a formal conciliation conference is necessary, the complainant and respondent shall be notified of the time and place of the conference by registered or certified mail at least 10 days prior thereto and either or both parties shall appear at the conference in person or by attorney.

(2) The place fixed for the conference shall be within 35 miles of the place where the civil rights violation is alleged to have been committed.

(3) Nothing occurring at the conference shall be disclosed by the Department unless the complainant and respondent agree in writing that such disclosure be made.

(F) Complaint.

(1) When there is a failure to settle or adjust any charge through conciliation, the Department shall prepare a written complaint, under oath or affirmation, stating the nature of the civil rights violation substantially as alleged in the charge previously filed and the relief sought on behalf of the aggrieved party.

(2) The complaint shall be filed with the Commission.

(G) Time Limit.

(1) When a charge of a civil rights violation has been properly filed, the Department, within 365 days thereof or within any extension of that period agreed to in writing by all parties, shall either issue and file a complaint in the manner and form set forth in this Section or shall order that no complaint be issued and dismiss the charge with prejudice without any further right to proceed except in cases in which the order was procured by fraud or duress. Any such order shall be duly served upon both the complainant and the respondent.

(2) Between 365 and 395 days after the charge is filed, or such longer period agreed to in writing by all parties, the aggrieved party may file a complaint with the Commission, if the Director has not sooner issued a report and determination pursuant to paragraphs (D)(1) and (D)(2) of this Section. The form of the complaint shall be in accordance with the provisions of paragraph (F). The aggrieved party shall notify the Department that a complaint has been filed and shall serve a copy of the complaint on the Department on the same date that the complaint is filed with the Commission.

(3) If an aggrieved party files a complaint with the Human Rights Commission pursuant to paragraph (2) of this subsection, or if the time period for filing a complaint has expired, the Department shall immediately cease its investigation and dismiss the charge of civil rights violation.

Any final order entered by the Chief Legal Counsel under this Section is appealable in accordance with paragraph (A)(1) of Section 8-111. Failure to immediately cease an investigation and dismiss the charge of civil rights violation as provided in this paragraph (3) constitutes grounds for entry of an order by the circuit court permanently enjoining the investigation. The Department may also be liable for any costs and other damages incurred by the respondent as a result of the action of the Department.

(4) The Department shall stay any administrative proceedings under this Section after the filing of a civil action by or on behalf of the aggrieved party under any federal or State law seeking relief with respect to the alleged civil rights violation.

(H) This amendatory Act of 1995 applies to causes of action filed on or after January 1, 1996.

(I) This amendatory Act of 1996 applies to causes of action filed on or after January 1, 1996.

(Source: P.A. 94-146, eff. 7-8-05; 94-326, eff. 7-26-05; revised 8-19-05.)"

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

On motion of Senator Righter, **House Bill No. 4960** 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.

On motion of Senator Munoz, **House Bill No. 5220** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **House Bill No. 5331** was taken up, read by title a second time and ordered to a third reading.

#### EXCUSED FROM ATTENDANCE

On motion of Senator Burzynski, Senator Petka was excused from attendance due to a death in the family.

Senator Burzynski announced a Republican caucus to begin immediately upon adjournment.

#### MOTION IN WRITING

Senator Righter submitted the following Motion in Writing:

##### MOTION

Pursuant to Senate Rule 7-9, I move that the Rules Committee be discharged from further consideration of House Bill 4532 and that House Bill 4532 be placed on the Senate Calendar on the order of Second Reading.

Date: March 24, 2006

s/Dale A. Righter  
Senator

#### 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 concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 2706

A bill for AN ACT concerning revenue.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2706

Senate Amendment No. 2 to HOUSE BILL NO. 2706

[March 27, 2006]



Senate Amendment No. 3 to HOUSE BILL NO. 2706  
Concurred in by the House, March 24, 2006.

MARK MAHONEY, Clerk of 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 concurred with the Senate in the adoption of the following joint resolution, to-wit:

**SENATE JOINT RESOLUTION NO. 86**

Concurred in by the House, March 24, 2006.

MARK MAHONEY, Clerk of the House

At the hour of 2:20 o'clock p.m., the Chair announced that the Senate stand adjourned until Tuesday, March 28, 2006, at 10:00 o'clock a.m.