SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

46TH LEGISLATIVE DAY

TUESDAY, MAY 12, 2009

12:31 O'CLOCK P.M.

NO. 46
[May 12, 2009]

SENATE
Daily Journal Index
46th Legislative Day

The Senate met pursuant to adjournment.
Senator Jeffrey M. Schoenberg, Evanston, Illinois, presiding.
Prayer by Pastor David Hemphill, Valley Baptist Church, Oswego, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Thursday, May 7, 2009, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Commission on Government Forecasting and Accountability's Monthly Briefing, April 2009, submitted by the Commission on Government Forecasting and Accountability.

Personal Information Protection Act Report, submitted by the Department of Human Services.

Vendor Hiring of Ex-Offenders, submitted by the Department of Central Management Services.

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

LEGISLATIVE MEASURES FILED

The following Committee amendment to the Senate Resolution listed below has been filed with the Secretary and referred to the Committee on Assignments:

Senate Committee Amendment No. 2 to Senate Joint Resolution 30

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

Senate Floor Amendment No. 1 to Senate Bill 552
Senate Floor Amendment No. 2 to Senate Bill 1050
Senate Floor Amendment No. 1 to Senate Bill 2231

The following Committee amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Senate Committee Amendment No. 1 to House Bill 344

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

Senate Floor Amendment No. 2 to House Bill 10
Senate Floor Amendment No. 1 to House Bill 182
Senate Floor Amendment No. 1 to House Bill 353
Senate Floor Amendment No. 2 to House Bill 353
Senate Floor Amendment No. 3 to House Bill 445
Senate Floor Amendment No. 1 to House Bill 467
Senate Floor Amendment No. 1 to House Bill 562
Senate Floor Amendment No. 3 to House Bill 699
Senate Floor Amendment No. 1 to House Bill 797

Senate Floor Amendment No. 2 to House Bill 797
Senate Floor Amendment No. 3 to House Bill 797
Senate Floor Amendment No. 2 to House Bill 1057
Senate Floor Amendment No. 2 to House Bill 1110
Senate Floor Amendment No. 2 to House Bill 1143
Senate Floor Amendment No. 3 to House Bill 2335
Senate Floor Amendment No. 1 to House Bill 2433
Senate Floor Amendment No. 1 to House Bill 2440
Senate Floor Amendment No. 2 to House Bill 2537
Senate Floor Amendment No. 1 to House Bill 2660
Senate Floor Amendment No. 1 to House Bill 3690
Senate Floor Amendment No. 1 to House Bill 3991
Senate Floor Amendment No. 1 to House Bill 4048
Senate Floor Amendment No. 2 to House Bill 4048
Senate Floor Amendment No. 1 to House Bill 4124
Senate Floor Amendment No. 1 to House Bill 4205

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 8, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish May 31, 2009 as the Committee and 3rd Reading deadline for House Bill 344 and House Bill 2352.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 11, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish May 22, 2009 as the Committee deadline for House Bill 80.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 12, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator James DeLeo to temporarily replace Senator James Clayborne as a member and chairman of the Senate Committee on Assignments. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Committee on Assignments.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 12, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish May 31, 2009 as the Committee and 3rd Reading deadline for Senate Bill 1050.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 269

Offered by Senator Viverito and all Senators:
Mourns the death of Robert John Regalado of Nottingham Park.

SENATE RESOLUTION NO. 270

Offered by Senator Lightford and all Senators:
Mourns the death of Dolores Rolling of Chicago.

SENATE RESOLUTION NO. 271

Offered by Senator Demuzio and all Senators:
Mourns the death of Richard Eugene "Rick" Goodman of Carlinville.

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

INTRODUCTION OF BILL

SENATE BILL NO. 2455. Introduced by Senator Harmon, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

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 passage of a bill of the following title, to-wit:

SENATE BILL NO. 145

A bill for AN ACT concerning orders of protection.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 145

Passed the House, as amended, May 7, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 145

AMENDMENT NO. 1. Amend Senate Bill 145 on page 4, by inserting immediately below line 2 the following:

"(g) Notice to schools. Upon the request of the petitioner, within 24 hours of the issuance of an order of protection, the clerk of the issuing judge shall send a certified copy of the order of protection to the day-care facility, pre-school or pre-kindergarten, or private school or the principal office of the public school district or any college or university in which any child who is a protected person under the order of protection or any child of the petitioner is enrolled as requested by the petitioner at the mailing address provided by the petitioner. If the child transfers enrollment to another day-care facility, pre-school, pre-kindergarten, private school, public school, college, or university, the petitioner may, within 24 hours of the transfer, send to the clerk written notice of the transfer, including the name and address of the institution to which the child is transferring. Within 24 hours of receipt of notice from the petitioner that a child is transferring to another day-care facility, pre-school, pre-kindergarten, private school, public school, college, or university, the clerk shall send a certified copy of the order to the

institution to which the child is transferring.

(h) Disclosure by schools. After receiving a certified copy of an order of protection that prohibits a respondent's access to records, neither a day-care facility, pre-school, pre-kindergarten, public or private school, college, or university nor its employees shall allow a respondent access to a protected child's records or release information in those records to the respondent. The school shall file the copy of the order of protection in the records of a child who is a protected person under the order of protection. When a child who is a protected person under the order of protection transfers to another day-care facility, pre-school, pre-kindergarten, public or private school, college, or university, the institution from which the child is transferring may, at the request of the petitioner, provide, within 24 hours of the transfer, written notice of the order of protection, along with a certified copy of the order, to the institution to which the child is transferring."; and

on page 6, line 18, by inserting after "amended" the following:
"or pursuant to the Code of Criminal Procedure of 1963"; and

on page 6, by inserting immediately below line 24 the following:

"Section 15. The Illinois Domestic Violence Act of 1986 is amended by changing Section 222 as follows:

(750 ILCS 60/222) (from Ch. 40, par. 2312-22)

Sec. 222. Notice of orders.

(a) Entry and issuance. Upon issuance of any order of protection, the clerk shall immediately, or on the next court day if an emergency order is issued in accordance with subsection (c) of Section 217, (i) enter the order on the record and file it in accordance with the circuit court procedures and (ii) provide a file stamped copy of the order to respondent, if present, and to petitioner.

(b) Filing with sheriff. The clerk of the issuing judge shall, or the petitioner may, on the same day that an order of protection is issued, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records or charged with serving the order upon respondent. If the order was issued in accordance with subsection (c) of Section 217, the clerk shall on the next court day, file a certified copy of the order with the Sheriff or other law enforcement officials charged with maintaining Department of State Police records.

(c) Service by sheriff. Unless respondent was present in court when the order was issued, the sheriff, other law enforcement official or special process server shall promptly serve that order upon respondent and file proof of such service, in the manner provided for service of process in civil proceedings. Instead of serving the order upon the respondent, however, the sheriff, other law enforcement official, or special process server may serve the respondent with a short form notification as provided in Section 222.10. If process has not yet been served upon the respondent, it shall be served with the order or short form notification. A single fee may be charged for service of an order obtained in civil court, or for service of such an order together with process, unless waived or deferred under Section 210.

(c-5) If the person against whom the order of protection is issued is arrested and the written order is issued in accordance with subsection (c) of Section 217 and received by the custodial law enforcement agency before the respondent or arrestee is released from custody, the custodial law enforcement agent shall promptly serve the order upon the respondent or arrestee before the respondent or arrestee is released from custody. In no event shall detention of the respondent or arrestee be extended for hearing on the petition for order of protection or receipt of the order issued under Section 217 of this Act.

(d) Extensions, modifications and revocations. Any order extending, modifying or revoking any order of protection shall be promptly recorded, issued and served as provided in this Section.

(e) Notice to schools. Upon the request of the petitioner, within 24 hours of the issuance of an order of protection, the clerk of the issuing judge shall send ~~written notice of the order of protection along with~~ a certified copy of the order of protection to the day-care facility, pre-school or pre-kindergarten, or private school or the principal office of the public school district or any college or university in which any child who is a protected person under the order of protection or any child of the petitioner is enrolled as requested by the petitioner at the mailing address provided by the petitioner. If the child transfers enrollment to another day-care facility, pre-school, pre-kindergarten, private school, public school, college, or university, the petitioner may, within 24 hours of the transfer, send to the clerk written notice of the transfer, including the name and address of the institution to which the child is transferring. Within 24 hours of receipt of notice from the petitioner that a child is transferring to another day-care facility, pre-school, pre-kindergarten, private school, public school, college, or university, the clerk shall send ~~written notice of the order of protection, along with~~ a certified copy of the order~~,~~ to the institution

to which the child is transferring.

(f) Disclosure by schools. After receiving a certified copy of an order of protection that prohibits a respondent's access to records, neither a day-care facility, pre-school, pre-kindergarten, public or private school, college, or university nor its employees shall allow a respondent access to a protected child's records or release information in those records to the respondent. The school shall file the copy of the order of protection in the records of a child who is a protected person under the order of protection. When a child who is a protected person under the order of protection transfers to another day-care facility, pre-school, pre-kindergarten, public or private school, college, or university, the institution from which the child is transferring may, at the request of the petitioner, provide, within 24 hours of the transfer, written notice of the order of protection, along with a certified copy of the order, to the institution to which the child is transferring.

(g) Notice to health care facilities and health care practitioners. Upon the request of the petitioner, the clerk of the circuit court shall send a certified copy of the order of protection to any specified health care facility or health care practitioner requested by the petitioner at the mailing address provided by the petitioner.

(h) Disclosure by health care facilities and health care practitioners. After receiving a certified copy of an order of protection that prohibits a respondent's access to records, no health care facility or health care practitioner shall allow a respondent access to the records of any child who is a protected person under the order of protection, or release information in those records to the respondent, unless the order has expired or the respondent shows a certified copy of the court order vacating the corresponding order of protection that was sent to the health care facility or practitioner. Nothing in this Section shall be construed to require health care facilities or health care practitioners to alter procedures related to billing and payment. The health care facility or health care practitioner may file the copy of the order of protection in the records of a child who is a protected person under the order of protection, or may employ any other method to identify the records to which a respondent is prohibited access. No health care facility or health care practitioner shall be civilly or professionally liable for reliance on a copy of an order of protection, except for willful and wanton misconduct.

(Source: P.A. 95-912, eff. 1-1-09.)".

Under the rules, the foregoing **Senate Bill No. 145**, with House Amendment No. 1, was referred to the Secretary's Desk.

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 passage of a bill of the following title, to-wit:

SENATE BILL NO. 42

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 62

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 79

A bill for AN ACT concerning education.

SENATE BILL NO. 81

A bill for AN ACT concerning revenue.

Passed the House, May 7, 2009.

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 passage of a bill of the following title, to-wit:

SENATE BILL NO. 178

A bill for AN ACT concerning safety.

SENATE BILL NO. 181

A bill for AN ACT concerning regulation.

SENATE BILL NO. 207

A bill for AN ACT concerning revenue, which may be cited as the Homestead Assessment Transparency Act.

SENATE BILL NO. 229

A bill for AN ACT concerning financial regulation.

SENATE BILL NO. 230

A bill for AN ACT concerning local government.

SENATE BILL NO. 236

A bill for AN ACT concerning transportation.

Passed the House, May 7, 2009.

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 passage of a bill of the following title, to-wit:

SENATE BILL NO. 239

A bill for AN ACT concerning business.

SENATE BILL NO. 242

A bill for AN ACT concerning local government.

Passed the House, May 7, 2009.

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 passage of a bill of the following title, to-wit:

SENATE BILL NO. 1665

A bill for AN ACT concerning education, which may be referred to as Brandon's Law.

Passed the House, May 7, 2009.

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. 66

Concurred in by the House, May 7, 2009.

MARK MAHONEY, Clerk of the House

MESSAGE FROM THE GOVERNOR

EXECUTIVE ORDER 09-06

EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF THE ILLINOIS HISTORIC PRESERVATION AGENCY TO THE DEPARTMENT OF NATURAL RESOURCES

WHEREAS, the Historic Preservation Agency ("the Agency") operates historic sites and memorials throughout the State; and

WHEREAS, the Agency also operates all state and federal historic preservation and incentive programs in the State, including the National Register of Historic Places; and

WHEREAS, all Illinoisans desire that these resources be protected and available to the public; and

WHEREAS, the mission of the Department of Natural Resources ("the Department") is to manage, protect and sustain Illinois' natural and cultural resources; and
WHEREAS, the Department has considerable experience and expertise in providing services and maintaining sites throughout our State; and
WHEREAS, consolidating the Agency into the Department will ensure that some of the State's most precious resources will be protected and available for the public to visit; and
WHEREAS, consolidating the Agency will be beneficial to the Agency, the Department, and the people of the State of Illinois; and
WHEREAS, substantial benefits can be achieved by the transfer of all functions ("the functions") of the Agency to the Department and the subsequent abolition of the Agency; and
WHEREAS, Article V, Section 11 of the Illinois Constitution provides that the Governor, by Executive Order, may reassign functions among or reorganize executive agencies which are directly responsible to him; and
WHEREAS, Section 3.2 of Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes, in pertinent part, (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the abolition of the whole or any part of any agency which does not have, or upon the taking effect of such reorganization will not have, any functions; and
WHEREAS, the Agency is an executive agency directly responsible to the Governor; and
WHEREAS, the Department is an executive agency directly responsible to the Governor;
THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. CONSOLIDATION OF THE AGENCY INTO THE DEPARTMENT

A. Effective July 1, 2009, the Agency shall be consolidated into the Department.

B. The Department shall continue to have an officer as its lead known as the Director who shall be responsible for all Department functions.

C. The Board of Trustees of the Agency shall be dissolved. The State Museum Advisory Board shall advise the Director on issues related to historic preservation.

D. The Director of the Abraham Lincoln Presidential Library and Museum, appointed by the Governor, with the advice and consent of the Senate, shall continue to administer the Library. The Advisory Board of the Abraham Lincoln Presidential Library and Museum shall continue to advise the Library and the Library Director on relevant programs.

II. TRANSFER OF FUNCTIONS

A. Effective July 1, 2009, the functions and all associated powers, duties, rights, and responsibilities of the Agency shall be transferred to the Department. The statutory powers, duties, rights, and responsibilities of the Agency derive from the following Statutes:

State Employee Housing Act, 5 ILCS 412/5-5, 5-15, 5-20, 5-25, 5-30, 5-35;
Department of Natural Resources Act, 20 ILCS 801/1-5, 80-20, 80-30, 80-35;
Civil Administrative Code, 20 ILCS 805/805-220, 805-315;
Interagency Wetland Policy Act of 1989, 20 ILCS 830/2-1;
Outdoor Recreation Resources Act, 20 ILCS 860/2a, 3a, 4a, 5a;
Historic Preservation Agency Act, 20 ILCS 3405/1 et seq.;
Illinois Historic Preservation Act, 20 ILCS 3410/1 et seq.;
Historical Sites Listing Act, 20 ILCS 3415/0.01 et seq.;
Illinois State Agency Historic Resources Preservation Act, 20 ILCS 3420/1 et seq.;
State Historical Library Act, 20 ILCS 3425/0.01 et seq.;
Old State Capitol Act, 20 ILCS 3430/0.01 et seq.;
Archaeological and Paleontological Resources Protection Act, 20 ILCS 3435/.01 et seq.;
Human Skeletal Remains Protection Act, 20 ILCS 3440/0.01 et seq.;
Heritage Preservation Act, 30 ILCS 145/3;
Public Use Trust Act, 30 ILCS 160/2;
Build Illinois Act, 30 ILCS 750/1-3;
Property Tax Code, Historic Residence Assessment Freeze Law, 35 ILCS 200/10-40, 10-45, 10-50, 10-55, 10-60, 10-65, 10-75, 10-80, 10-85;

Counties Code, 55 ILCS 5/5-31010, 5-31012, 5-31017;
Historical Document Preservation Act, 55 ILCS 120/1 et seq.;
Liquor Control Act of 1934, 235 ILCS 5/6-15;
Illinois Highway Code, 605 ILCS 5/4-201.5.

B. Whenever any provision of an Executive Order or any Act or section thereof transferred by this Executive Order provides for membership of the Director of the Agency on any council, commission, board, or other entity, or provides for the Director of the Agency to make an appointment to any council, commission, board, or other entity, the Director of the Department or his designee shall serve in that place. If more than one such person is required by law to serve on any council, commission, board, or other entity, an equivalent number of representatives of the Department shall so serve.

III. ABOLITION OF AGENCY

The Agency shall be abolished effective July 1, 2009. The rights, powers, and duties associated with the functions vested by law in the Agency, or any office, division, council, committee, bureau, board, commission, officer, employee, or associated individual, person or entity, and all rights, powers, and duties of the Agency related to the functions, including funding mechanisms, shall be transferred to the Department.

IV. EFFECT OF TRANSFER

The powers, duties, rights, and responsibilities related to the functions and transferred from the Agency to the Department shall not be affected by this Executive Order, except that they shall all be carried out by the Department from the effective date of the transfers.

A. The staff of the Agency engaged in the performance of the functions shall be transferred to the Department. The status and rights of such employees under the Personnel Code shall not be affected by the transfers. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by this Executive Order.

B. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights, and responsibilities transferred by this Executive Order from the Agency to the Department, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Department.

C. All unexpended appropriations and balances and other funds available for use in connection with any of the functions shall be transferred for use by the Department for the functions pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriations were originally made.

V. SAVINGS CLAUSE

A. The powers, duties, rights, and responsibilities related to the functions and transferred from the Agency to the Department by this Executive Order shall be vested in and shall be exercised by the Department. Each act done in exercise of such powers, duties, rights, and responsibilities shall have the same legal effect as if done by the Agency, its officers or employees.

B. Every officer of the Department shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing laws for the same offense by any officer whose powers or duties were transferred under this Executive Order.

C. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Agency in connection with any of the functions transferred by this Executive Order, the same shall be made, given, furnished, or served in the same manner to or upon the Department.

D. This Executive Order shall not affect any act done, ratified, or canceled, or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal case regarding the functions of the Agency before this Executive Order takes effect; such actions may be prosecuted or continued by the Department.

E. Any rules of the Agency that relate to the functions, are in full force on the effective date of this Executive Order and that have been duly adopted by the Agency shall become the rules of the Department. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the Agency that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the functions transferred, shall be deemed to have been filed by the Department. As soon as practicable

hereafter, the Department shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, powers, and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Department, consistent with the Agency's authority to do so, may propose and adopt under the Illinois Administrative Procedures Act such other rules of the Agency that will now be administered by the Department. To the extent that, prior to the effective date of the transfers, the Director of the Agency had been empowered to prescribe regulations or had other authority with respect to the transferred functions, such duties shall be exercised from and after the effective date of the transfers by the Director of the Department.

VI. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

s/Pat Quinn, Governor

Issued by the Governor: April 1, 2009
Filed with Secretary of State: April 1, 2009

The foregoing Message from the Governor was referred to the Committee on Assignments.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Delgado, **House Bill No. 752** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 756** was taken up, read by title a second time.
Senate Floor Amendment No. 1 was held in the Committee on Judiciary.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 758** was taken up, read by title a second time and ordered to a third reading.

ANNOUNCEMENT ON ATTENDANCE

Senator Muñoz announced for the record that Senator Clayborne was absent due to Senate business.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Silverstein, **House Bill No. 759** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 760** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 761** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **House Bill No. 771** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bond, **House Bill No. 791** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **House Bill No. 793** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 793

AMENDMENT NO. 1. Amend House Bill 793 on page 1, by replacing line 5 with the following:

"Sections 1.02, 2.01, and 7 as follows:

(5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

Sec. 1.02. For the purposes of this Act:

"Meeting" means any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business.

Accordingly, for a 5-member public body, 3 members of the body constitute a quorum and the affirmative vote of 3 members is necessary to adopt any motion, resolution, or ordinance, unless a greater number is otherwise required.

"Public body" includes all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof. "Public body" includes tourism boards and convention or civic center boards located in counties that are contiguous to the Mississippi River with populations of more than 250,000 but less than 300,000. "Public body" includes the Health Facilities Planning Board. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act; ~~or~~ an ethics commission acting under the State Officials and Employees Ethics Act ; or an elder abuse fatality review team established pursuant to Section 15 of the Elder Abuse and Neglect Act.

(Source: P.A. 94-1058, eff. 1-1-07; 95-245, eff. 8-17-07.)".

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

On motion of Senator Wilhelmi, **House Bill No. 796** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **House Bill No. 797** was taken up, read by title a second time.

Senate Floor Amendment Nos. 1, 2 and 3 were held in the Committee on Assignments.

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

On motion of Senator Syverson, **House Bill No. 799** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 805** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 806** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hultgren, **House Bill No. 808** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 809** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 811** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 811

AMENDMENT NO. 1. Amend House Bill 811 on page 10, by replacing lines 15 through 17 with the following:

"modify, limit, or supersede Section 101(c) of that Act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. Section"; and

on page 11, by deleting line 1; and

on page 11, line 3 by changing "12" to "10.1"; and

on page 11, line 5 by changing "12.1" to "10.2"; and

on page 20, by inserting after line 23 the following:

"Section 11. 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 Haine, **House Bill No. 812** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Delgado, **House Bill No. 813** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Delgado, **House Bill No. 818** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 820** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Delgado, **House Bill No. 838** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 853** 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 853

AMENDMENT NO. 1. Amend House Bill 853 on page 1, by replacing lines 4 through 6 with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 3-414, 3-415, and 3-806 and by adding Sections 3-684 and 3-806.7 as follows:

(625 ILCS 5/3-414) (from Ch. 95 1/2, par. 3-414)

Sec. 3-414. Expiration of registration.

(a) Every vehicle registration under this Chapter and every registration card and registration plate or registration sticker issued hereunder to a vehicle shall be for the periods specified in this Chapter and shall expire at midnight on the day and date specified in this Section as follows:

1. When registered on a calendar year basis commencing January 1, expiration shall be on the 31st day of December or at such other date as may be selected in the discretion of the Secretary of State; however, through December 31, 2004, registrations of apportionable vehicles, motorcycles, motor driven cycles and pedalcycles shall commence on the first day of April and shall expire March 31st of the following calendar year;

1.1. Beginning January 1, 2005, registrations of motorcycles and motor driven cycles shall commence on January 1 and shall expire on December 31 or on another date that may be

selected by the Secretary; registrations of apportionable vehicles and pedalcycles, however, shall commence on the first day of April and shall expire March 31 of the following calendar year;

2. When registered on a 2 calendar year basis commencing January 1 of an even-numbered year, expiration shall be on the 31st day of December of the ensuing odd-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond March 1 next;

3. When registered on a fiscal year basis commencing July 1, expiration shall be on the 30th day of June or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next;

4. When registered on a 2 fiscal year basis commencing July 1 of an even-numbered year, expiration shall be on the 30th day of June of the ensuing even-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next;

5. When registered on a 4 fiscal year basis commencing July 1 of an even-numbered year, expiration shall be on the 30th day of June of the second ensuing even-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next;

(b) Vehicle registrations of vehicles of the first division shall be for a calendar year, ~~or~~ 2 calendar year , or 3 calendar year basis as provided for in this Chapter.

Vehicle registrations of vehicles under Sections 3-807, 3-808 and 3-809 shall be on an indefinite term basis or a 2 calendar year basis as provided for in this Chapter.

Vehicle registrations for vehicles of the second division shall be for a fiscal year, 2 fiscal year or calendar year basis as provided for in this Chapter.

Motor vehicles registered under the provisions of Sections 3-402.1 and 3-405.3 shall be issued multi-year registration plates with a new registration card issued annually or pursuant to subsection (g) of this Section upon payment of the appropriate fees. Apportionable trailers and apportionable semitrailers registered under the provisions of Section 3-402.1 shall be issued multi-year registration plates and cards that will be subject to revocation for failure to pay annual fees required by Section 3-814.1. The Secretary shall determine when these vehicles shall be issued new registration plates.

(c) Every vehicle registration specified in Section 3-810 and every registration card and registration plate or registration sticker issued thereunder shall expire on the 31st day of December of each year or at such other date as may be selected in the discretion of the Secretary of State.

(d) Every vehicle registration for a vehicle of the second division weighing over 8,000 pounds, except as provided in paragraph (g) of this Section, and every registration card and registration plate or registration sticker, where applicable, issued hereunder to such vehicles shall be issued for a fiscal year commencing on July 1st of each registration year. However, the Secretary of State may, pursuant to an agreement or arrangement or declaration providing for apportionment of a fleet of vehicles with other jurisdictions, provide for registration of such vehicles under apportionment or for all of the vehicles registered in Illinois by an applicant who registers some of his vehicles under apportionment on a calendar year basis instead, and the fees or taxes to be paid on a calendar year basis shall be identical to those specified in this Act for a fiscal year registration. Provision for installment payment may also be made.

(e) Semitrailer registrations under apportionment may be on a calendar year under a reciprocal agreement or arrangement and all other semitrailer registrations shall be on fiscal year or 2 fiscal year or 4 fiscal year basis as provided for in this Chapter.

(f) The Secretary of State may convert annual registration plates or 2-year registration plates, whether registered on a calendar year or fiscal year basis, to multi-year plates. The determination of which plate categories and when to convert to multi-year plates is solely within the discretion of the Secretary of State.

(g) After January 1, 1975, each registration, registration card and registration plate or registration sticker, where applicable, issued for a recreational vehicle or recreational or camping trailer, except a house trailer, used exclusively by the owner for recreational purposes, and not used commercially nor as a truck or bus, nor for hire, shall be on a calendar year basis; except that the Secretary of State shall provide for registration and the issuance of registration cards and plates or registration stickers, where applicable, for one 6-month period in order to accomplish an orderly transition from a fiscal year to a calendar year basis. Fees and taxes due under this Act for a registration year shall be appropriately reduced for such 6-month transitional registration period.

(h) The Secretary of State may, in order to accomplish an orderly transition for vehicles registered under Section 3-402.1 of this Code from a calendar year registration to a March 31st expiration, require applicants to pay fees and taxes due under this Code on a 15 month registration basis. However, if in the discretion of the Secretary of State this creates an undue hardship on any applicant the Secretary may allow the applicant to pay 3 month fees and taxes at the time of registration and the additional 12 month

fees and taxes to be payable no later than March 31 of the year after this amendatory Act of 1991 takes effect.

(i) The Secretary of State may stagger registrations, or change the annual expiration date, as necessary for the convenience of the public and the efficiency of his Office. In order to appropriately and effectively accomplish any such staggering, the Secretary of State is authorized to prorate all required registration fees, rounded to the nearest dollar, but in no event for a period longer than 18 months, at a monthly rate for a 12 month registration fee.

(g) The Secretary of State may enter into an agreement with a rental owner, as defined in Section 3-400 of this Code, who registers a fleet of motor vehicles of the first division pursuant to Section 3-405.3 of this Code to provide for the registration of the rental owner's vehicles on a 2 or 3 calendar year basis and the issuance of multi-year registration plates with a new registration card issued up to every 3 years.

(Source: P.A. 95-287, eff. 1-1-08.)

(625 ILCS 5/3-415) (from Ch. 95 1/2, par. 3-415)

Sec. 3-415. Application for and renewal of registration. (a) Calendar year. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered on a calendar registration year, not later than December 1 of each year, upon proper application and by payment of the registration fee and tax for such vehicle, as provided by law except that application for renewal of a vehicle registration, as to those vehicles required to be registered on a staggered calendar year basis, shall be made by the owner in the form and manner prescribed by the Secretary of State.

(b) Fiscal year. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered on a fiscal registration year, not later than June 1 of each year, upon proper application and by payment of the registration fee and tax for such vehicle as provided by law, except that application for renewal of a vehicle registration, as to those vehicles required to be registered on a staggered fiscal year basis, shall be made by the owner in the form and manner prescribed by the Secretary of State.

(c) Two calendar years. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered for 2 calendar years, not later than December 1 of the year preceding commencement of the 2-year registration period, except that application for renewal of a vehicle registration, as to those vehicles required to be registered for 2 years on a staggered registration basis, shall be made by the owner in the form and manner prescribed by the Secretary of State.

(d) Two fiscal years. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered for 2 fiscal years, not later than June 1 immediately preceding commencement of the 2-year registration period, except that application for renewal of a vehicle registration, as to those vehicles required to be registered for 2 fiscal years on a staggered registration basis, shall be made by the owner in the form and manner prescribed by the Secretary of State.

(d-5) Three calendar years. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered for 3 calendar years, not later than December 1 of the year preceding commencement of the 3-year registration period.

(e) Time of application. The Secretary of State may receive applications for renewal of registration and grant the same and issue new registration cards and plates or registration stickers at any time prior to expiration of registration. No person shall display upon a vehicle, the new registration plates or registration stickers prior to the dates the Secretary of State in his discretion may select.

(f) Verification. The Secretary of State may further require, as to vehicles for-hire, that applications be accompanied by verification that fees due under the Illinois Motor Carrier of Property Law, as amended, have been paid.

(g) Applications for registration renewal shall include information relating to the insurance policy for the motor vehicle, including the name of the insurer that issued the policy, the policy number, and the expiration date of the policy.

(Source: P.A. 93-723, eff. 1-1-05.)".

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

On motion of Senator Demuzio, **House Bill No. 862** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 866** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 867** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 869** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **House Bill No. 870** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **House Bill No. 872** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 880** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 880

AMENDMENT NO. 1. Amend House Bill 880 by replacing everything after the enacting clause with the following:

"Section 5. The Professional Geologist Licensing Act is amended by changing Sections 15, 20, 25, 30, 35, 40, 45, 50, 60, 65, 70, 75, 80, 85, 90, 105, 110, 115, 120, 125, 135, 140, 145, and 160 and by adding Sections 17 and 51 as follows:

(225 ILCS 745/15)

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

Sec. 15. Definitions. In this Act:

"Board" means the Board of Licensing for Professional Geologists.

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

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

"Enrollment" means the recording by the Department of those individuals who have met the requirements specified in this Act for a Geologist Intern and the issuance of a certificate of enrollment to such individuals.

"Geologist" means an individual who, by reason of his or her knowledge of geology, mathematics, and the physical and life sciences, acquired by education and practical experience as defined by this Act, is capable of practicing the science of geology.

"Geologist Intern" means an individual enrolled with the Department who has knowledge of geology, mathematics, and the physical and life sciences, obtained by education, as defined in this Act, and has passed the examination on the fundamentals of geology administered by the Department with the advice and consent of the Board.

"Geology" means the science that includes the treatment of the earth and its origin and history including, but not limited to, (i) the investigation of the earth's crust and interior and the solids and fluids, including all surface and underground waters, gases, and other materials that compose the earth as they may relate to geologic processes; (ii) the study of the natural agents, forces, and processes that cause changes in the earth; and (iii) the utilization of this knowledge of the earth and its solids, fluids, and gases, and their collective properties and processes, for the benefit of humankind.

"Person" or "individual" means a natural person.

"Practice of professional geology" means the performance of, or the offer to perform, the services of a geologist, including consultation, investigation, evaluation, planning, mapping, inspection of geologic work, and other services that require extensive knowledge of geologic laws, formulas, principles, practice, and methods of data interpretation.

A person shall be construed to practice or offer to practice professional geology, within the meaning and intent of this Act, if that person (i) by verbal claim, sign, advertisement, letterhead, card, or any other means, represents himself or herself to be a Licensed Professional Geologist ~~professional geologist~~ or through the use of some title implies that he or she is a Licensed Professional Geologist ~~professional geologist~~ or is licensed under this Act or (ii) holds himself or herself out as able to perform or does perform services or work defined in this Act as the practice of professional geology.

Examples of the practice of professional geology include, but are not limited to, the conduct of, or responsible charge for, the following types of activities: (i) mapping, sampling, and analysis of earth

materials, interpretation of data, and the preparation of oral or written testimony regarding the probable geological causes of events; (ii) planning, review, and supervision of data gathering activities, interpretation of geological data gathered by direct and indirect means, preparation of geological maps, cross-sections, interpretive maps and reports for the purpose of evaluating regional or site specific geological conditions; (iii) the planning, review, and supervision of data gathering activities and interpretation of data on regional or site specific geological characteristics affecting groundwater; (iv) the interpretation of geological conditions on the surface and at depth at a specific site on the Earth's surface for the purpose of determining whether those conditions correspond to a geologic map of the site; and (v) the conducting of environmental property audits.

"Licensed Professional Geologist ~~professional geologist~~" means an individual who is licensed under this Act to engage in the practice of professional geology in Illinois.

"Responsible charge" means the independent control and direction, by use of initiative, skill, and independent judgment, of geological work or the supervision of that work.

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

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

(225 ILCS 745/17 new)

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

Sec. 17. References to Department or Director of Professional Regulation. References in this Act (i) to the Department of Professional Regulation are deemed, in appropriate contexts, to be references to the Department of Financial and Professional Regulation and (ii) to the Director of Professional Regulation are deemed, in appropriate contexts, to be references to the Secretary of Financial and Professional Regulation.

(225 ILCS 745/20)

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

Sec. 20. Exemptions. Nothing in this Act shall be construed to restrict the use of the title "geologist" or similar words by any person engaged in a practice of geology exempted under this Act, provided the person does not hold himself or herself out as being a Licensed Professional Geologist ~~licensed professional geologist~~ or does not practice professional geology in a manner requiring licensure under this Act. Performance of the following activities does not require licensure as a Licensed Professional Geologist ~~licensed professional geologist~~ under this Act:

(a) The practice of professional geology by an employee or a subordinate of a licensee under this Act, provided the work does not include responsible charge of geological work and is performed under the direct supervision of a Licensed Professional Geologist ~~licensed professional geologist~~ who is responsible for the work.

(b) The practice of professional geology by officers and employees of the United States government within the scope of their employment.

(c) The practice of professional geology as geologic research to advance basic knowledge for the purpose of offering scientific papers, publications, or other presentations (i) before meetings of scientific societies, (ii) internal to a partnership, corporation, proprietorship, or government agency, or (iii) for publication in scientific journals, or in books.

(d) The teaching of geology in schools, colleges, or universities, as defined by rule.

(d-5) The practice of professional geology by any person pursuing a course of study leading to a degree in geology from an accredited college or university, as set forth in this Act and by rule, provided that (i) such practice constitutes a part of a supervised course of study, (ii) the person is under the supervision of a geologist licensed under this Act, and (iii) the person is designated by a title that clearly indicates his or her status as a student or trainee.

(e) The practice of professional geology exclusively in the exploration for or development of energy resources or base, precious and nonprecious minerals, including sand, gravel, and aggregate, that does not require, by law, rule, or ordinance, the submission of reports, documents, or oral or written testimony to public agencies. Public agencies may, by law or by rule, allow required oral or written testimony, reports, permit applications, or other documents based on the science of geology to be submitted to them by persons not licensed under this Act. Unless otherwise required by State or federal law, public agencies may not require that the geology-based aspects of testimony, reports, permits, or other documents so exempted be reviewed by, approved, or otherwise certified by any person who is not a Licensed Professional Geologist ~~licensed professional geologist~~. Licensure is not required for the submission and review of reports or documents or the provision of oral or written testimony made under the Well Abandonment Act, the Illinois Oil and Gas Act, the Surface Coal Mining Land Conservation and Reclamation Act, or the Surface-Mined Land Conservation and Reclamation Act.

(f) The practice of professional engineering as defined in the Professional Engineering Practice Act of

1989.

(g) The practice of structural engineering as defined in the Structural Engineering Practice Act of 1989.

(h) The practice of architecture as defined in the Illinois Architecture Practice Act of 1989.

(i) The practice of land surveying as defined in the Illinois Professional Land Surveyor Act of 1989.

(j) The practice of landscape architecture as defined in the Illinois Landscape Architecture Act of 1989.

(k) The practice of professional geology for a period not to exceed 9 months by any person pursuing a course of study leading to a degree in geology from an accredited college or university, as set forth in this Act and as established by rule, provided that (i) such practice constitutes a part of a supervised course of study, (ii) the person is under the supervision of a geologist licensed under this Act, and (iii) the person is designated by a title that clearly indicates his or her status as a student or trainee.

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

(225 ILCS 745/25)

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

Sec. 25. Restrictions and limitations. No person shall, without a valid license issued by the Department (i) in any manner hold himself or herself out to the public as a Licensed Professional Geologist ~~licensed professional geologist~~; (ii) attach the title "Licensed Professional Geologist" to his or her name; or (iii) render or offer to render to individuals, corporations, or public agencies services constituting the practice of professional geology.

Individuals practicing geology in Illinois as of the effective date of this amendatory Act of 1997 may continue to practice as provided in this Act until the Department has adopted rules implementing this Act. To continue practicing geology after the adoption of rules, individuals shall apply for licensure within 180 days after the effective date of the rules. If an application is received during the 180-day period, the individual may continue to practice until the Department acts to grant or deny licensure. If an application is not filed within the 180-day period, the individual must cease the practice of geology at the conclusion of the 180-day period and until the Department acts to grant a license to the individual.

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

(225 ILCS 745/30)

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

Sec. 30. Powers and duties of the Department. Subject to the provisions of this Act, the Department may:

(a) Authorize examinations to ascertain the qualifications and fitness of applicants for licensing or enrollment as Licensed Professional Geologists, Licensed Specialty Geologists, or Geologist Interns ~~licensed professional geologists or as licensed specialty geologists~~, as defined by the Board, and pass upon the qualifications of applicants for licensure by endorsement.

(b) Conduct hearings on proceedings to refuse to issue or renew or to revoke licenses or certificates of enrollment or suspend, place on probation, or reprimand persons licensed or enrolled under this Act, and to refuse to issue or renew or to revoke licenses or certificates of enrollment, or suspend, place on probation, or reprimand persons licensed or enrolled under this Act.

(c) Formulate rules required for the administration of this Act.

(d) Obtain written recommendations from the Board regarding (i) definitions of curriculum content and approval of geological curricula, standards of professional conduct, and formal disciplinary actions and the formulation of rules affecting these matters and (ii) when petitioned by the applicant, opinions regarding the qualifications of applicants for licensing or enrolling.

(e) Maintain rosters of the names and addresses of all licensees, enrollees, and all persons whose licenses or certificates of enrollment have been suspended, revoked, or denied renewal for cause within the previous calendar year. These rosters shall be available upon written request and payment of the required fee.

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

(225 ILCS 745/35)

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

Sec. 35. Board of Licensing for Professional Geologists; members; qualifications; duties.

(a) The Director shall appoint a Board of Licensing for Professional Geologists which shall serve in an advisory capacity to the Director. The Board shall be composed of 8 persons, 7 of whom shall be voting members appointed by the Director, who shall give due consideration to recommendations by members of the profession of geology and of geology organizations within the State. In addition, the State Geologist or his or her designated representative, shall be an advisory, non-voting member of the Board.

(b) Insofar as possible, the geologists appointed to serve on the Board shall be generally representative

of the occupational and geographical distribution of geologists within this State.

(c) Of the 7 appointed voting members of the Board, 6 shall be geologists and one shall be a member of the general public with no family or business connection with the practice of geology.

(d) Each of the first appointed geologist members of the Board shall have at least 10 years of active geological experience and shall possess the education and experience required for licensure. Each subsequently appointed geologist member of the Board shall be a Licensed Professional Geologist ~~professional geologist~~ licensed under this Act.

(e) Of the initial appointments, the Director shall appoint 3 voting members for a term of 4 years, 2 voting members for a term of 3 years, and 2 voting members for a term of 2 years. Thereafter, voting members shall be appointed for 4-year terms. Terms shall commence on the 3rd Monday in January.

(f) Members shall hold office until the expiration of their terms or until their successors have been appointed and have qualified.

(g) No voting member of the Board shall serve more than 2 consecutive full terms.

(h) Vacancies in the membership of the Board shall be filled by appointment for the unexpired term.

(i) The Director may remove or suspend any member of the Board for cause at any time before the expiration of his or her term.

(j) The Board shall annually elect one of its members as chairperson.

(k) The members of the Board shall be reimbursed for all legitimate and necessary expenses authorized by the Department incurred in attending the meetings of the Board.

(l) The Board may make recommendations to the Director to establish the examinations and their method of grading.

(m) The Board may submit written recommendations to the Director concerning formulation of rules and a Code of Professional Conduct and Ethics. The Board may recommend or endorse revisions and amendments to the Code and to the rules from time to time.

(n) The Board may make recommendations on matters relating to continuing education of Licensed Professional Geologists ~~licensed professional geologists~~, including the number of hours necessary for license renewal, waivers for those unable to meet that requirement, and acceptable course content. These recommendations shall not impose an undue burden on the Department or an unreasonable restriction on those seeking a license renewal.

(o) Four voting Board members constitutes a quorum. A quorum is required for all Board decisions.

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

(225 ILCS 745/40)

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

Sec. 40. Application for ~~original~~ license or enrollment.

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

(b) Applications for enrollment as a Geologist Intern shall be made to the Department on forms prescribed by the Department and accompanied by the required fee. All applications shall contain the information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant to take the examination on the theory and fundamentals of the science of geology and be enrolled as a Geologist Intern.

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

(225 ILCS 745/45)

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

Sec. 45. Examination; failure or refusal to take the examination.

(a) The Department shall authorize examinations of applicants for original Professional Geologist licensure and Geologist Intern enrollment at such times and places as it may determine. The examination for Professional Geologist licensure ~~examinations~~ shall be a 2-part exam, with one part ~~of a character to~~ fairly testing ~~test~~ an applicant's ~~qualifications to practice professional geology and~~ knowledge of the theory and practice of the science of geology, including subjects that are generally taught in curricula of accredited colleges and universities , and the other part fairly testing the applicant's knowledge of the practical application and practice of the theory and science of geology. Applicants for Geologist Intern enrollment must take only that part of the examination that fairly tests the knowledge of the theory and fundamentals of the science of geology.

(b) Applicants who are required to take an examination ~~for examinations~~ shall pay, either to the Department or to the designated testing service, a fee covering the cost of providing the examination.

Failure to appear for the required examination on the scheduled date at the time and place specified after the application for examination has been received and acknowledged by the Department or the designated testing service shall result in forfeiture of the examination fee.

(c) If the applicant neglects, fails, or refuses to take a required ~~an~~ examination or fails to pass a required ~~an~~ examination for a license under this Act within 3 years after filing an application, the application shall be denied. However, the applicant may thereafter submit a new application accompanied by the required fee. The applicant shall meet the requirements in force at the time of making the new application.

(d) The Department may employ consultants for the purpose of preparing and conducting examinations.

(e) The Department shall have the authority to adopt or recognize, in part or in whole, examinations prepared, administered, or graded by other organizations that are determined appropriate to measure the qualifications of an applicant for licensure as a Licensed Professional Geologist or enrollment as a Geologist Intern ~~professional geologist~~.

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

(225 ILCS 745/50)

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

Sec. 50. Qualifications for licensure.

(a) The Department may issue a license to practice as a Licensed Professional Geologist ~~licensed professional geologist~~ to any applicant who meets the following qualifications:

(1) The applicant has completed an application form and paid ~~submitted~~ the required fees.

(2) The applicant is of good ethical character, including compliance with the Code of Professional Conduct and Ethics under this Act, and has not committed any act or offense in any jurisdiction that would constitute the basis for disciplining a Licensed Professional Geologist ~~professional geologist~~ licensed under this Act.

(3) The applicant has earned a degree in geology from an accredited college or university, as established by rule, with a minimum of 30 semester or 45 quarter hours of course credits in geology, of which 24 semester or 36 quarter hours are in upper level courses. The Department may, upon the recommendation of the Board, allow the substitution of appropriate experience as a geologist for prescribed educational requirements as established by rule.

(4) The applicant has a documented record of a minimum of 4 years of professional experience, obtained after completion of the education requirements specified in this Section, in geologic or directly related work, demonstrating that the applicant is qualified to assume responsible charge of such work upon licensure as a Licensed Professional Geologist ~~professional geologist~~ or such specialty of professional geology that the Board may recommend and the Department may recognize. The Department may require evidence acceptable to it that up to 2 years of professional experience have been gained under the supervision of a person licensed under this Act or similar Acts in any other state, or under the supervision of others who, in the opinion of the Department, are qualified to have responsible charge of geological work under this Act.

(5) The applicant has passed an examination authorized by the Department for ~~the~~ practice as a Licensed Professional Geologist ~~of professional geology~~.

(6) The applicant has complied with all other requirements of this Act and rules established for the implementation of this Act.

(b) Professional Geologist licensure ~~A license to practice professional geology~~ shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical impairment.

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

(225 ILCS 745/51 new)

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

Sec. 51. Qualifications for Geologist Intern enrollment; final expiration of enrollment; Department powers and duties.

(a) The Department may enroll as a Geologist Intern any applicant who meets the following qualifications:

(1) The applicant has completed an application form and paid the required fees.

(2) The applicant has (i) earned a degree in geology from an accredited college or university, with a minimum of 30 semester or 45 quarter hours of course credits in geology, of which 24 semester or 36 quarter hours are in upper level courses or (ii) is in the final semester of a program leading to a degree as set forth in item (i) of this subparagraph (2). The Department may not issue a certificate of enrollment

under this Section unless and until an applicant provides proof acceptable to the Department of having obtained the required degree within 12 months after having passed the required enrollment examination.

(3) The applicant has passed the required examination on the theory and fundamentals of the science of geology, as required under Section 45 of this Act.

(b) A Geologist Intern in good standing may renew his or her certificate of enrollment upon payment to the Department of the required fee; however, the life of a certificate of enrollment issued under this Section may not extend past a period of 10 years and shall automatically and permanently expire upon the end of the 10-year period if the enrollee fails to apply for and successfully meet the requirements for licensure as a Licensed Professional Geologist, including the successful passage of that part of the Licensed Professional Geologist examination that fairly tests the practical application and practice of the science of geology, as set forth in Section 45 of this Act.

(c) Geologist Intern enrollment shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical impairment.

(225 ILCS 745/60)

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

Sec. 60. Seals.

(a) Upon licensure, each licensee shall obtain a seal of a design as required by rule bearing the licensee's name, license number, and the legend "Licensed Professional Geologist".

(b) All preliminary, draft, and final geologic reports, documents, permits, affidavits, maps, boring logs, sections or other records offered to the public and prepared or issued by or under the supervision of a Licensed Professional Geologist ~~licensed professional geologist~~ shall include the full name, signature, and license number of the licensee, and the date of license expiration of the person who prepared the document or under whose supervision it was prepared, and an impression of the licensee's seal, in accordance with rules issued by the Department.

(c) The Licensed Professional Geologist ~~licensed professional geologist~~ who has contract responsibility shall seal a cover sheet of the professional work products and those individual portions of the professional work products for which the Licensed Professional Geologist ~~licensed professional geologist~~ is legally and professionally responsible. A Licensed Professional Geologist ~~licensed professional geologist~~ practicing as the support professional shall seal those individual portions of professional work products for which that Licensed Professional Geologist ~~licensed professional geologist~~ is legally and professionally responsible.

(d) The use of a Licensed Professional Geologist's ~~licensed professional geologist's~~ seal on professional work products constitutes a representation that the work prepared by or under the personal supervision of that Licensed Professional Geologist ~~licensed professional geologist~~ has been prepared and administered in accordance with the standards of reasonable professional skill and diligence.

(e) It is unlawful to affix one's seal to professional work products if it masks the true identity of the person who actually exercised direction, supervision, and responsible charge of the preparation of that work. A Licensed Professional Geologist ~~licensed professional geologist~~ who signs and seals professional work products is not responsible for damage caused by subsequent changes to or uses of those professional work products, if the subsequent changes or uses, including changes or uses made by State or local government agencies, are not authorized or approved by the Licensed Professional Geologist ~~licensed professional geologist~~ who originally signed and sealed the professional work products.

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

(225 ILCS 745/65)

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

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

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

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

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

(225 ILCS 745/70)

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

Sec. 70. Fees.

(a) Except as provided in subsection (b), the fees for the administration and enforcement of this Act, including but not limited to original licensure or enrollment, renewal, and restoration fees, shall be set by the Department by rule. The fees shall not be refundable.

(b) Applicants for examination shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of initial screening to determine eligibility and the cost of providing the examination. Failure to appear for the examination on the scheduled date at the time and place specified after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service shall result in the forfeiture of the examination fee.

(c) All fees and other monies collected under this Act shall be deposited in the General Professions Dedicated Fund.

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

(225 ILCS 745/75)

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

Sec. 75. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed or unenrolled practice or practice on a nonrenewed license or certificate of enrollment. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate of enrollment or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate of enrollment, he or she shall apply to the Department for restoration or issuance of the license or certificate of enrollment and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate of enrollment to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 745/80)

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

Sec. 80. Disciplinary actions.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department may deem appropriate, including fines not to exceed $5,000 for each violation, with regard to any license or certificate of enrollment for any one or combination of the following:

(1) Material misstatement in furnishing information to the Department.

(2) Violations of this Act, or of the rules promulgated under this Act.

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

(4) Making any misrepresentation for the purpose of obtaining licensure or enrollment or violating any provision of this Act or the rules promulgated under this Act pertaining to advertising.

(5) Professional incompetence.

(6) Gross malpractice.

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

(8) Failing, within 60 days, to provide information in response to a written request made by the Department.

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

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

(11) Discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

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

(13) A finding by the Department that the licensee or enrollee, after having his or her license or certificate of enrollment placed on probationary status, has violated the terms of probation.

(14) Willfully making or filing false records or reports in his or her practice, including but not limited to, false records filed with State agencies or departments.

(15) Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(16) Solicitation of professional services other than permitted advertising.

(17) Conviction of or cash compromise of a charge or violation of the Illinois Controlled Substances Act regulating narcotics.

(18) Failure to (i) file a return, (ii) pay the tax, penalty, or interest shown in a filed return, or (iii) pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the requirements of that tax Act are satisfied.

(19) Conviction by any court of competent jurisdiction, either within or outside this State, of any violation of any law governing the practice of professional geology, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

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

(21) Practicing under a false or, except as provided by law, an assumed name.

(22) Fraud or misrepresentation in applying for, or procuring, a license or certificate of enrollment under this Act or in connection with applying for renewal of a license or certificate of enrollment under this Act.

(23) Cheating on or attempting to subvert the licensing or enrollment examination administered under this Act.

(b) The determination by a circuit court that a licensee or enrollee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the licensee or enrollee is no longer subject to the involuntary admission or judicial admission and issues an order so finding and discharging the licensee or enrollee; and upon the recommendation of the Board to the Director that the licensee or enrollee be allowed to resume his or her practice.

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

(225 ILCS 745/85)

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

Sec. 85. Injunctive action; cease and desist order.

(a) If any person violates the provisions of this Act, the Director, in the name of the People of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred, may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and

permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If a person practices as a Licensed Professional Geologist ~~licensed professional geologist~~ or holds himself or herself out as a Licensed Professional Geologist ~~licensed professional geologist~~ in Illinois, without being licensed to do so under this Act, then any Licensed Professional Geologist ~~licensed professional geologist~~, interested party, or any person injured thereby may petition for relief as provided in subsection (a) of this Section.

(c) Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

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

(225 ILCS 745/90)

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

Sec. 90. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or persons rendering or offering to render geological services or any person holding or claiming to hold a license as a Licensed Professional Geologist ~~licensed professional geologist~~. The Department shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 80 of this Act, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct him or her to file a written answer to the charges with the Board under oath within 20 days after the service on him or her of the notice, and (iii) inform the accused that, if he or she fails to answer, default will be taken against him or her or that his or her license may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Department may consider proper. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Board may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Department, be suspended, revoked, placed on probationary status, or the Department may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. The written notice may be served by personal delivery or by certified mail to the address specified by the accused in his or her last notification with the Department.

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

(225 ILCS 745/105)

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

Sec. 105. Compelling testimony. Any circuit court, upon application of the Department, designated hearing officer, or the applicant, ~~or~~ licensee , or enrollee against whom proceedings under Section 80 of this Act are pending, may enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

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

(225 ILCS 745/110)

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

Sec. 110. Findings and recommendations. At the conclusion of the hearing, the Board shall present to the Director a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The Board shall specify the nature of any violations or failure to comply and shall make its recommendations to the Director. In making recommendations for any disciplinary actions, the Board may take into consideration all facts and circumstances bearing upon the reasonableness of the conduct of the accused and the potential for future harm to the public, including but not limited to previous discipline of the accused by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made by the accused, and whether the incident or incidents contained in the complaint appear to be isolated or represent a continuing pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the

severity of the discipline recommended is reasonably related to the severity of the violation.

The report of findings of fact, conclusions of law, and recommendation of the Board shall be the basis for the Department's order refusing to issue, restore, or renew a license or certificate of enrollment, or otherwise disciplining a licensee or enrollee. If the Director disagrees with the recommendations of the Board, the Director may issue an order in contravention of the Board recommendations. The Director shall provide a written report to the Board on any disagreement and shall specify the reasons for the action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for a violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for a violation of this Act.

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

(225 ILCS 745/115)

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

Sec. 115. Board; rehearing. At the conclusion of the hearing, a copy of the Board's report shall be served upon the applicant, ~~or~~ licensee , or enrollee by the Department, either personally or as provided in this Act for the service of a notice of hearing. Within 20 days after service, the applicant, ~~or~~ licensee , or enrollee may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon denial, the Director may enter an order in accordance with recommendations of the Board except as provided in Section 120 of this Act. If the applicant, ~~or~~ licensee , or enrollee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the applicant, ~~or~~ licensee , or enrollee.

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

(225 ILCS 745/120)

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

Sec. 120. Director; rehearing. Whenever the Director believes that justice has not been done in the revocation, suspension, or refusal to issue, restore, or renew a license or certificate of enrollment, or other discipline of an applicant, ~~or~~ licensee, or enrollee he or she may order a rehearing by the same or other examiners.

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

(225 ILCS 745/125)

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

Sec. 125. Appointment of a hearing officer. The Director has the authority to appoint any attorney licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, restore, or renew a license or certificate of enrollment or to discipline a licensee or enrollee. The hearing officer has full authority to conduct the hearing. At least one member of the Board shall attend each hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and the Director. The Board shall have 60 calendar days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Director. If the Board does not present its report within the 60-day period, the Director may issue an order based on the report of the hearing officer. If the Director disagrees with the recommendation of the Board or of the hearing officer, the Director may issue an order in contravention of the recommendation. The Director shall promptly provide a written report to the Board on any deviation, and shall specify the reasons for the action in the final order.

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

(225 ILCS 745/135)

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

Sec. 135. Restoration of suspended or revoked license. At any time after the suspension or revocation of a license or certificate of enrollment, the Department may restore it to the licensee or enrollee, upon the written recommendation of the Board, unless after an investigation and a hearing the Board determines that restoration is not in the public interest.

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

(225 ILCS 745/140)

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

Sec. 140. Surrender of license. Upon the revocation or suspension of a license or certificate of enrollment, the licensee or enrollee shall immediately surrender his or her license or certificate of enrollment to the Department. If the licensee or enrollee fails to do so, the Department has the right to

seize the license or certificate of enrollment.
(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/145)

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

Sec. 145. Summary suspension of a license. The Director may summarily suspend the license of a Licensed Professional Geologist ~~licensed professional geologist~~ without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 90 of this Act, if the Director finds that evidence in the Director's possession indicates that the continuation of practice by a Licensed Professional Geologist ~~licensed professional geologist~~ would constitute an imminent danger to the public. In the event that the Director summarily suspends the license of a Licensed Professional Geologist ~~licensed professional geologist~~ without a hearing, a hearing must be commenced within 30 days after the suspension has occurred and concluded as expeditiously as practical.
(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/160)

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

Sec. 160. Violations.

(a) Using or attempting to use an expired license is a Class A misdemeanor.

(b) Each of the following acts is a Class A misdemeanor for the first offense and a Class 4 felony for a second or subsequent offense:

(1) A violation of any provision of this Act or its rules, except as noted in subsection (a) of this Section.

(2) The making of any wilfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act.

(3) Using or attempting to use an inactive, suspended, or revoked license or the license or seal of another, or impersonating another licensee, or practicing geology as a Licensed Professional Geologist ~~licensed professional geologist~~ in Illinois while one's license is inactive, suspended, or revoked.

(4) The practice, attempt to practice, or offer to practice professional geology in Illinois without a license as a Licensed Professional Geologist ~~licensed professional geologist~~. Each day of practicing professional geology or attempting to practice professional geology, and each instance of offering to practice professional geology, without a license as a Licensed Professional Geologist ~~licensed professional geologist~~ constitutes a separate offense.

(5) Advertising or displaying any sign or card or other device that might indicate to the public that the person or entity is entitled to practice as a Licensed Professional Geologist ~~licensed professional geologist~~, unless that person holds an active license as a Licensed Professional Geologist ~~licensed professional geologist~~ in the State of Illinois.

(6) Obtaining or attempting to obtain a license by fraud.
(Source: P.A. 89-366, eff. 7-1-96.)

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 Dillard, **House Bill No. 881** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 883** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 883

AMENDMENT NO. 1. Amend House Bill 883 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-12020 as follows:

(55 ILCS 5/5-12020)

Sec. 5-12020. Wind farms. A county may establish standards for wind farms and electric-generating wind devices. The standards may include, without limitation, the height of the devices and the number of

devices that may be located within a geographic area. A county may also regulate the siting of wind farms and electric-generating wind devices in unincorporated areas of the county outside of the zoning jurisdiction of a municipality and the 1.5 mile radius surrounding the zoning jurisdiction of a municipality. There shall be at least one public hearing not more than 30 days prior to a siting decision by the county board. Notice of the hearing shall be published in a newspaper of general circulation in the county. Counties may allow test wind towers to be sited without formal approval by the county board. ~~Test wind towers must be dismantled within 3 years of installation. For the purposes of this Section, "test wind towers" are wind towers that are designed solely to collect wind generation data.~~ Any provision of a county zoning ordinance pertaining to wind farms that is in effect before the effective date of this amendatory Act of the 95th General Assembly may continue in effect notwithstanding any requirements of this Section.
(Source: P.A. 95-203, eff. 8-16-07.)

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 Steans, **House Bill No. 897** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 898** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 899** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 900** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bond, **House Bill No. 914** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Viverito, **House Bill No. 926** having been printed, was taken up and read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

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

AMENDMENT NO. 2 TO HOUSE BILL 926

AMENDMENT NO. 2. Amend House Bill 926 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-1115 as follows:
(55 ILCS 5/5-1115) (from Ch. 34, par. 5-1115)
Sec. 5-1115. Retail food ~~Food service~~ establishments.
(a) The county board of any county having a population of 2,000,000 ~~1,000,000~~ or more inhabitants may license and regulate and impose license fees on all retail food ~~service~~ establishments in the county except those retail food ~~service~~ establishments which are located within any city, village or incorporated town in such county ~~not including, however, establishments where food is sold only as merchandise and not prepared to be consumed on the premises~~.
(b) The county board of any county having a population of less than 2,000,000 ~~1,000,000~~ inhabitants and having a health department created under Division 5-25 may license and regulate and impose license fees on all retail food ~~service~~ establishments within both the incorporated and unincorporated areas of the county which fall within the jurisdiction of that health department as set forth in Section 5-25008.
(c) The license fees which may be imposed under this Section must be reasonably related to the cost of inspecting and regulating the retail food ~~service~~ establishments. License fees for food establishments operated by a unit of local government, school district, or not-for-profit organization may be waived by ordinance of the county board.
(d) A county and a municipality may enter into an intergovernmental agreement that provides for the

county's certified local health department to perform any or all inspection functions for the municipality. The municipality must pay the county's reasonable costs. An intergovernmental agreement shall not preclude a municipality from continuing to license retail food establishments within its jurisdiction.

(e) For the purpose of this Section, "retail food establishment" includes a food service establishment, a temporary food service establishment, and a retail food store as defined in the Food Service Sanitation Code, 77 Ill. Adm. Code Part 750, and the Retail Food Store Sanitation Code, 77 Ill. Adm. Code Part 760.

(Source: P.A. 86-962; 86-1028.)

Section 10. The Illinois Municipal Code is amended by adding Section 11-20-15 as follows:

(65 ILCS 5/11-20-15 new)

Sec. 11-20-15. Retail food establishments.

(a) A municipality in a county having a population of 2,000,000 or more inhabitants must regulate and inspect retail food establishments in the municipality. A municipality must regulate and inspect retail food establishments in accordance with applicable federal and State laws pertaining to the operation of retail food establishments including but not limited to the Illinois Food Handling Regulation Enforcement Act, the Illinois Food, Drug and Cosmetic Act, the Sanitary Food Preparation Act, the regulations of the Illinois Department of Public Health, and local ordinances and regulations. This subsection shall not apply to a municipality that is served by a certified local health department other than a county certified local health department.

A home rule unit may not regulate retail food establishments in a less restrictive manner than as provided in this Section. This Section is a limitation of home rules powers under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.

(b) A municipality may enter into an intergovernmental agreement with a county that provides for the county's certified local health department to perform any or all inspection functions for the municipality. The municipality must pay the county's reasonable costs. An intergovernmental agreement shall not preclude a municipality from continuing to license retail food establishments within its jurisdiction.

(c) For the purpose of this Section, "retail food establishment" includes a food service establishment, a temporary food service establishment, and a retail food store as defined in the Food Service Sanitation Code, 77 Ill. Adm. Code Part 750, and the Retail Food Store Sanitation Code, 77 Ill. Adm. Code Part 760.

Section 90. The State Mandates Act is amended by adding Section 8.33 as follows:

(30 ILCS 805/8.33 new)

Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 96th General Assembly.".

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

On motion of Senator Kotowski, **House Bill No. 927** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 927

AMENDMENT NO. 1. Amend House Bill 927 as follows:

on page 3, line 9, after "plan.", by inserting "Individuals unable to participate in these incentives due to an adverse health factor shall not be penalized based upon an adverse health status."; and

on page 3, immediately below line 15, by inserting the following:

"For the purposes of this Section, "reasonably designed program" means a program of wellness coverage that has a reasonable chance of improving health or preventing disease; is not overly burdensome; does not discriminate based upon factors of health; and is not otherwise contrary to law."; and

on page 4, by replacing lines 18 through 26 with the following:

"reduction established under this Section and included in the policy or certificate does not violate Section 151 of this Code.".

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

On motion of Senator Haine, **House Bill No. 934** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **House Bill No. 942** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **House Bill No. 944** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 952** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 964** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 964

AMENDMENT NO. 1. Amend House Bill 964 by replacing everything after the enacting clause with the following:

"Section 5. The Children's Product Safety Act is amended by changing Section 17 as follows:

(430 ILCS 125/17)

Sec. 17. Product recalls.

(a) If a manufacturer, importer, wholesaler, or distributor of children's products has placed into the stream of commerce in Illinois a children's product for which a recall or warning has subsequently been issued by one of those entities or by an agency of the federal government, then the manufacturer, importer, wholesaler, or distributor must initiate the following steps within 24 hours after issuing or receiving the recall or warning:

(1) Contact all of its commercial customers, other than end consumers, to whom it sold, leased, sublet, or transferred that particular children's product in Illinois. This contact must include providing the recall notice or warning and must be made to the person designated by the retailer for that product.

(2) If the manufacturer, importer, wholesaler, or distributor maintains a web site, the entity must place on the home page (or the first entry point) of its web site a link to recall or warning information that contains the specific recall notice or warning that was issued for the product in question. The recall or warning information must include a description of the product, the reason for the recall or warning, a picture of the product, and instructions on how to participate in the recall or warning. The information may include only the product recall information and may not include sales or marketing information on that product or any other product, excluding return and exchange policies. The recall or warning information must allow persons to participate in the recall through the web site of the manufacturer, importer, wholesaler, or distributor.

(3) If the manufacturer, importer, wholesaler, or distributor sold directly to a non-commercial consumer, and the consumer provided either a shipping address or e-mail address at the time of sale, then the manufacturer, importer, wholesaler, or distributor must send a notice of the recall or warning to the consumer at either address provided. The notice must include a description of the product, the reason for the recall or warning, and instructions on how to participate in the recall or warning. The notice may include only the product recall information and may not include sales or marketing information on that product or any other product, excluding return and exchange policies.

(b) If a retailer receives notice of a recall or warning regarding a children's product from a manufacturer, importer, wholesaler, or distributor, or, in the case of an involuntary recall, from a federal agency, and if the retailer at any time offered the product for sale in Illinois, then the retailer must do the following:

(1) Within 3 business days after receiving the recall or warning from the manufacturer,

importer, wholesaler, or distributor by a person designated by the retailer, the retailer must remove the children's product from the shelves of its stores or program its registers to ensure that the item cannot be sold.

(2) If the product was sold through the retailer's web site, then within 3 business days after receipt of the recall or warning by the person designated by the retailer, the retailer must remove the children's product from the web site or remove the ability of a consumer to purchase the children's product through the web site.

(3) If an e-mail or shipping address was provided at the time a children's product, for which a recall or warning was subsequently issued, was purchased on the retailer's web site, the retailer must attempt to contact the purchaser at either address provided with the recall or warning information. The recall or warning information must include a description of the product, the reason for the recall or warning, and instructions on how to participate in the recall or warning. The information may include only the product recall information and may not include sales or marketing information on that product or any other product, excluding return and exchange policies. The retailer must comply with this paragraph (3) within 30 days after receiving the notice of the recall or warning from a manufacturer, importer, wholesaler, or distributor.

(4) Within 5 business days after receipt of the recall or warning by the person designated by the retailer from a manufacturer, importer, wholesaler, distributor, or from a federal agency in the case of an involuntary recall, the retailer must post in a prominent location in each retail store the recall or warning notice. The posting may be in an electronic format in each retail store if the retailer posts a physical sign in a prominent location in each retail store that clearly and conspicuously discloses where recall or warning notices are located in the retail store. If the recall or warning notice is not on the main page of any electronic display, then the electronic display must contain on its main page a clear and conspicuous link to the recall or warning notice. The link shall contain the words "product recall". The notice must remain posted for 120 days unless the recall or warning notice contains a full-size crib, a non-full-size crib, a toddler bed, a car seat, a high chair, a bath seat, a play yard, a stationary activity center, an infant carrier, a stroller, a walker, a swing, a bassinet, or a cradle. For these items, the recall or warning notice must remain posted for 240 days ~~This notice must remain posted for 120 days~~.

(5) If the children's product for which a recall or warning was issued was sold on the retailer's web site, the retailer must within 5 business days post on the home page (or the first entry point) of its web site a link to recall or warning information that contains the specific recall notice or warning that was issued for the product in question. The recall or warning information must include a description of the product, the reason for the recall or warning, a picture of the product (if one was provided), and instructions on how to participate in the recall or warning. The information may include only the product recall information and may not include sales or marketing information on that product or any other product, excluding return and exchange policies.

(c) Within 5 business days after a recalled children's product is placed on the Department of Public Health's comprehensive list maintained under Section 15, a retailer who is not a first seller must comply with subsection (b) of Section 17, except that such a retailer has 5 business days to comply with both subdivision (b)(1) and subdivision (b)(2) of Section 17.

(d) A manufacturer, importer, wholesaler, or distributor who is also a retailer must comply with both subsection (a) and subsection (b) of Section 17, except that a manufacturer, importer, wholesaler, or distributor who is also a retailer must, within 24 hours after issuing or receiving the recall or warning, post on the home page (or the first entry point) of its web site a link to recall or warning information that contains the specific recall notice or warning that was issued for the product in question.

(Source: P.A. 94-11, eff. 6-8-05.)

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 Muñoz, **House Bill No. 972** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 973** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 976** was taken up, read by title a second time.

Senate Floor Amendment No. 1 was held in the Committee on Assignments.

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

On motion of Senator Koehler, **House Bill No. 979** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 986** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 999** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 1002** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 1003** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **House Bill No. 1013** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 1014** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 1015** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 1032** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 1035** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 1042** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 1055** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 1057** was taken up, read by title a second time.

Senate Committee Amendment No. 1 and Senate Floor Amendment No. 2 were held in the Committee on Assignments.

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

On motion of Senator Silverstein, **House Bill No. 1065** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 1079** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Luechtefeld, **House Bill No. 1086** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **House Bill No. 1087** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 1088** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 1089** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 1098** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 1105** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **House Bill No. 1107** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 1108** 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 1108

AMENDMENT NO. 1. Amend House Bill 1108 on page 1, line 8, by replacing "July" with "October"; and

on page 3, immediately below line 4, by inserting the following:

"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 Jacobs, **House Bill No. 1110** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 1110

AMENDMENT NO. 1. Amend House Bill 1110 by replacing everything after the enacting clause with the following:

"Section 5. The AIDS Confidentiality Act is amended by changing Section 9 as follows:

(410 ILCS 305/9) (from Ch. 111 1/2, par. 7309)

Sec. 9. No person may disclose or be compelled to disclose the identity of any person upon whom a test is performed, or the results of such a test in a manner which permits identification of the subject of the test, except to the following persons:

(a) The subject of the test or the subject's legally authorized representative. A physician may notify the spouse of the test subject, if the test result is positive and has been confirmed pursuant to rules adopted by the Department, provided that the physician has first sought unsuccessfully to persuade the patient to notify the spouse or that, a reasonable time after the patient has agreed to make the notification, the physician has reason to believe that the patient has not provided the notification. This paragraph shall not create a duty or obligation under which a physician must notify the spouse of the test results, nor shall such duty or obligation be implied. No civil liability or criminal sanction under this Act shall be imposed for any disclosure or non-disclosure of a test result to a spouse by a physician acting in good faith under this paragraph. For the purpose of any proceedings, civil or criminal, the good faith of any physician acting under this paragraph shall be presumed.

(b) Any person designated in a legally effective release of the test results executed by the subject of the test or the subject's legally authorized representative.

(c) An authorized agent or employee of a health facility or health care provider if the health facility or health care provider itself is authorized to obtain the test results, the agent or employee provides patient care or handles or processes specimens of body fluids or tissues, and the agent or employee has a need to know such information.

(d) The Department and local health authorities serving a population of over 1,000,000 residents or other local health authorities as designated by the Department, in accordance with rules for reporting and

controlling the spread of disease, as otherwise provided by State law. The Department, local health authorities, and authorized representatives shall not disclose information and records held by them relating to known or suspected cases of AIDS or HIV infection, publicly or in any action of any kind in any court or before any tribunal, board, or agency. AIDS and HIV infection data shall be protected from disclosure in accordance with the provisions of Sections 8-2101 through 8-2105 of the Code of Civil Procedure.

(e) A health facility or health care provider which procures, processes, distributes or uses: (i) a human body part from a deceased person with respect to medical information regarding that person; or (ii) semen provided prior to the effective date of this Act for the purpose of artificial insemination.

(f) Health facility staff committees for the purposes of conducting program monitoring, program evaluation or service reviews.

(f-5) A court in accordance with the provisions of Section 12-16.2 of the Criminal Code of 1961.

(g) (Blank).

(h) Any health care provider or employee of a health facility, and any firefighter or EMT-A, EMT-P, or EMT-I, involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment.

(i) Any law enforcement officer, as defined in subsection (c) of Section 7, involved in the line of duty in a direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment.

(j) A temporary caretaker of a child taken into temporary protective custody by the Department of Children and Family Services pursuant to Section 5 of the Abused and Neglected Child Reporting Act, as now or hereafter amended.

(k) In the case of a minor under 18 years of age whose test result is positive and has been confirmed pursuant to rules adopted by the Department, the health care provider who ordered the test shall make a reasonable effort to notify the minor's parent or legal guardian if, in the professional judgment ~~judgement~~ of the health care provider, notification would be in the best interest of the child and the health care provider has first sought unsuccessfully to persuade the minor to notify the parent or legal guardian or a reasonable time after the minor has agreed to notify the parent or legal guardian, the health care provider has reason to believe that the minor has not made the notification. This subsection shall not create a duty or obligation under which a health care provider must notify the minor's parent or legal guardian of the test results, nor shall a duty or obligation be implied. No civil liability or criminal sanction under this Act shall be imposed for any notification or non-notification of a minor's test result by a health care provider acting in good faith under this subsection. For the purpose of any proceeding, civil or criminal, the good faith of any health care provider acting under this subsection shall be presumed.

(Source: P.A. 93-482, eff. 8-8-03; 94-102, eff. 1-1-06; revised 10-28-08.)

Section 10. The Criminal Code of 1961 is amended by changing Section 12-16.2 as follows:

(720 ILCS 5/12-16.2) (from Ch. 38, par. 12-16.2)

Sec. 12-16.2. Criminal Transmission of HIV. (a) A person commits criminal transmission of HIV when he or she, knowing that he or she is infected with HIV:

(1) engages in intimate contact with another;

(2) transfers, donates, or provides his or her blood, tissue, semen, organs, or other potentially infectious body fluids for transfusion, transplantation, insemination, or other administration to another; or

(3) dispenses, delivers, exchanges, sells, or in any other way transfers to another any nonsterile intravenous or intramuscular drug paraphernalia.

(b) For purposes of this Section:

"HIV" means the human immunodeficiency virus or any other identified causative agent of acquired immunodeficiency syndrome.

"Intimate contact with another" means the direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may reasonably transmit HIV ~~exposure of the body of one person to a bodily fluid of another person in a manner that could result in the transmission of HIV~~.

"Intravenous or intramuscular drug paraphernalia" means any equipment, product, or material of any kind which is peculiar to and marketed for use in injecting a substance into the human body.

(c) Nothing in this Section shall be construed to require that an infection with HIV has occurred in order for a person to have committed criminal transmission of HIV.

(d) It shall be an affirmative defense that the person exposed knew that the infected person was

infected with HIV, knew that the action could result in infection with HIV, and consented to the action with that knowledge.

(d-5) A prosecuting entity may issue a subpoena duces tecum for the records of a person charged with the offense of criminal transmission of HIV or a subpoena for the attendance of a person with relevant knowledge thereof so long as the return of the records or attendance of the person pursuant to the subpoena is submitted initially to the court for an in camera inspection. Only upon a finding by the court that the records or proffered testimony are relevant to the pending offense, the information sought by the subpoena shall be disclosed to the prosecuting entity and admissible if otherwise permitted by law.

(e) A person who commits criminal transmission of HIV commits a Class 2 felony.
(Source: P.A. 86-897.)

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

Senate Floor Amendment No. 2 was held in the Committee on Assignments.
There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 1112** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 1115** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **House Bill No. 1116** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 1122** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 1131** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 1132** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 1137** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 1150** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 1175** was taken up, read by title a second time.
Senate Committee Amendment Nos. 1 and 2 were held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 1190** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 1197** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 1202** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 1291** was taken up, read by title a second time.
Senate Committee Amendment No. 1 was held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 1292** was taken up, read by title a second time and ordered to a third reading.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator DeLeo, Chairperson of the Committee on Assignments, during its May 12, 2009 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Appropriations I: **SENATE BILLS 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238 and 1239**.

Appropriations II: **SENATE BILLS 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184 and 1185**.

Senator DeLeo, Chairperson of the Committee on Assignments, during its May 12, 2009 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committees of the Senate:

Environment: **Senate Joint Resolution No. 63.**

Public Health: **Senate Resolution No. 244; Senate Joint Resolution No. 65.**

State Government and Veterans Affairs: **Senate Resolutions Numbered 179 and 237; Senate Joint Resolution No. 64.**

Transportation: **Senate Joint Resolution No. 62.**

Senator DeLeo, Chairperson of the Committee on Assignments, during its May 12, 2009 meeting, reported the following House Bill has been assigned to the indicated Standing Committee of the Senate:

Executive: **House Bill No. 80.**

Senator DeLeo, Chairperson of the Committee on Assignments, during its May 12, 2009 meeting, reported the following House Resolution has been assigned to the indicated Standing Committees of the Senate:

Transportation: **House Joint Resolution No. 2.**

POSTING NOTICE WAIVED

Senator Silverstein moved to waive the six-day posting requirement on **House Bill No. 80** so that the bill may be heard in the Committee on Executive that is scheduled to meet Wednesday, May 13, 2009.

The motion prevailed.

READING BILLS OF THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Haine, **House Bill No. 1293** was taken up, read by title a second time.
Senate Committee Amendment No. 1 was held in the Committee on Assignments.
Senate Floor Amendment No. 2 was held in the Committee on Licensed Activities.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 1294** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 1306** was taken up, read by title a second time.
Senate Floor Amendment No. 1 was held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Risinger, **House Bill No. 1307** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 1322** having been printed, was taken up and read by title a second time.
The following amendments were offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 1322

AMENDMENT NO. 1. Amend House Bill 1322 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Transportation Development Partnership Act.

Section 5. Transportation Development Partnership Trust Fund. The Transportation Development Partnership Trust Fund is created as a trust fund in the State treasury. The State Treasurer shall be the custodian of the Fund. If a county or an entity created by an intergovernmental agreement between 2 or more counties elects to participate under Section 5-1035.1 or 5-1006.5 of the Counties Code, the Department of Revenue shall transfer to the State Treasurer all or a portion of the taxes and penalties collected under the Special County Retailers Occupation Tax For Public Safety or Transportation and under the County Option Motor Fuel Tax into the Transportation Development Partnership Trust Fund. The Treasurer shall maintain a separate account for each participating county or entity within the Fund. The Department of Transportation shall administer the Fund.

Moneys in the Fund shall be used for transportation-related projects. The Department of Transportation and participating counties or entities must enter into an intergovernmental agreement. The agreement shall:

(1) Describe the project to be constructed from the Department of Transportation's statewide master plan for transportation.

(2) Provide that the county or entity must raise a significant percentage, no less than the amount contributed by the State, of required federal matching funds.

(3) Provide that the Secretary of Transportation must certify that the county or entity has transferred the required moneys to the Fund and the certification shall be transmitted to each county or entity no more than 30 days after the final deposit is made.

(4) Provide for the repayment, without interest, to the county or entity of the moneys contributed by the county or entity to the Fund.

(5) Provide that the repayment of the moneys contributed by the county or the entity shall be made by the Department of Transportation (i) no later than 10 years after the certification by the Secretary of Transportation that the money has been deposited by the county or entity into the Fund or (ii) no more than 90 days after the authorization for funds for transportation under Section 4 of the General Obligation Bond Act has increased by at least $5 billion over the amount authorized on the effective date of the Act, whichever occurs earlier.

Section 10. The Counties Code is amended by changing Sections 5-1006.5 and 5-1035.1 as follows:
(55 ILCS 5/5-1006.5)

Sec. 5-1006.5. Special County Retailers' Occupation Tax For Public Safety, Public Facilities, or Transportation.

(a) The county board of any county may impose a tax upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of this State's government, at retail in the county on the gross receipts from the sales made in the course of business to provide revenue to be used exclusively for public safety, public facility, or transportation purposes in that county, if a proposition for the tax has been submitted to the electors of that county and

approved by a majority of those voting on the question. If imposed, this tax shall be imposed only in one-quarter percent increments. By resolution, the county board may order the proposition to be submitted at any election. If the tax is imposed for transportation purposes for expenditures for public highways or as authorized under the Illinois Highway Code, the county board must publish notice of the existence of its long-range highway transportation plan as required or described in Section 5-301 of the Illinois Highway Code and must make the plan publicly available prior to approval of the ordinance or resolution imposing the tax. If the tax is imposed for transportation purposes for expenditures for passenger rail transportation, the county board must publish notice of the existence of its long-range passenger rail transportation plan and must make the plan publicly available prior to approval of the ordinance or resolution imposing the tax. The county clerk shall certify the question to the proper election authority, who shall submit the proposition at an election in accordance with the general election law.

(1) The proposition for public safety purposes shall be in substantially the following form:

"To pay for public safety purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail."

The county board may also opt to establish a sunset provision at which time the additional sales tax would cease being collected, if not terminated earlier by a vote of the county board. If the county board votes to include a sunset provision, the proposition for public safety purposes shall be in substantially the following form:

"To pay for public safety purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate) for a period not to exceed (insert number of years)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail. If imposed, the additional tax would cease being collected at the end of (insert number of years), if not terminated earlier by a vote of the county board."

For the purposes of the paragraph, "public safety purposes" means crime prevention, detention, fire fighting, police, medical, ambulance, or other emergency services.

Votes shall be recorded as "Yes" or "No".

(2) The proposition for transportation purposes shall be in substantially the following form:

"To pay for improvements to roads and other transportation purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail."

The county board may also opt to establish a sunset provision at which time the additional sales tax would cease being collected, if not terminated earlier by a vote of the county board. If the county board votes to include a sunset provision, the proposition for transportation purposes shall be in substantially the following form:

"To pay for road improvements and other transportation purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate) for a period not to exceed (insert number of years)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail. If imposed, the additional tax would cease being collected at the end of (insert number of years), if not terminated earlier by a vote of the county board."

For the purposes of this paragraph, transportation purposes means construction, maintenance, operation, and improvement of public highways, any other purpose for which a county may expend funds under the Illinois Highway Code, and passenger rail transportation.

The votes shall be recorded as "Yes" or "No".

(3) The proposition for public facility purposes shall be in substantially the following form:

"To pay for public facility purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail."

The county board may also opt to establish a sunset provision at which time the additional sales tax would cease being collected, if not terminated earlier by a vote of the county board. If the county board votes to include a sunset provision, the proposition for public facility purposes shall be in substantially the following form:

"To pay for public facility purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate) for a period not to exceed (insert number of years)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail. If imposed, the additional tax would cease being collected at the end of (insert number of years), if not terminated earlier by a vote of the county board."

For purposes of this Section, "public facilities purposes" means the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and for the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the public facilities, for use by the county for the furnishing of governmental services to its citizens, including but not limited to museums and nursing homes.

The votes shall be recorded as "Yes" or "No".

If a majority of the electors voting on the proposition vote in favor of it, the county may impose the tax. A county may not submit more than one proposition authorized by this Section to the electors at any one time.

This additional tax may not be imposed on the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food which has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed by a county under this Section and all civil penalties that may be assessed as an incident of the tax shall be collected and enforced by the Illinois Department of Revenue and deposited into a special fund created for that purpose. The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the retailer to engage in a business that is taxable without registering separately with the Department under an ordinance or resolution under this Section. The Department has full power to administer and enforce this Section, to collect all taxes and penalties due under this Section, to dispose of taxes and penalties so collected in the manner provided in this Section, and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this Section. In the administration of and compliance with this Section, the Department and persons who are subject to this Section shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and (iii) employ the same modes of procedure as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-70 (in respect to all provisions contained in those Sections other than the State rate of tax), 2a, 2b, 2c, 3 (except provisions relating to transaction returns and quarter monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act as if those provisions were set forth in this Section.

Persons subject to any tax imposed under the authority granted in this Section may reimburse themselves for their sellers' tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act, pursuant to such bracketed schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the County Public Safety or

Transportation Retailers' Occupation Tax Fund.

(b) If a tax has been imposed under subsection (a), a service occupation tax shall also be imposed at the same rate upon all persons engaged, in the county, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the county as an incident to a sale of service. This tax may not be imposed on sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The Department has full power to administer and enforce this subsection; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this subsection, the Department and persons who are subject to this paragraph shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms, and (iii) employ the same modes of procedure as are prescribed in Sections 2 (except that the reference to State in the definition of supplier maintaining a place of business in this State shall mean the county), 2a, 2b, 2c, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the county), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the county), 9 (except as to the disposition of taxes and penalties collected), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the county), Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the County Public Safety or Transportation Retailers' Occupation Fund.

Nothing in this subsection shall be construed to authorize the county to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

(c) The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected under this Section to be deposited into the County Public Safety or Transportation Retailers' Occupation Tax Fund, which shall be an unappropriated trust fund held outside of the State treasury. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the counties from which retailers have paid taxes or penalties to the Department during the second preceding calendar month. The amount to be paid to each county, and deposited by the county into its special fund created for the purposes of this Section, shall be the amount (not including credit memoranda) collected under this Section during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including (i) an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the county and (ii) any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the county. Within 10 days after receipt by the Comptroller of the disbursement certification to the counties provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with directions contained in the certification.

In addition to the disbursement required by the preceding paragraph, an allocation shall be made in March of each year to each county that received more than $500,000 in disbursements under the preceding paragraph in the preceding calendar year. The allocation shall be in an amount equal to the average monthly distribution made to each such county under the preceding paragraph during the

preceding calendar year (excluding the 2 months of highest receipts). The distribution made in March of each year subsequent to the year in which an allocation was made pursuant to this paragraph and the preceding paragraph shall be reduced by the amount allocated and disbursed under this paragraph in the preceding calendar year. The Department shall prepare and certify to the Comptroller for disbursement the allocations made in accordance with this paragraph.

A county may direct, by ordinance, that all or a portion of the taxes and penalties collected under the Special County Retailers' Occupation Tax For Public Safety or Transportation be deposited into the Transportation Development Partnership Trust Fund.

(d) For the purpose of determining the local governmental unit whose tax is applicable, a retail sale by a producer of coal or another mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or another mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

(e) Nothing in this Section shall be construed to authorize a county to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(e-5) If a county imposes a tax under this Section, the county board may, by ordinance, discontinue or lower the rate of the tax. If the county board lowers the tax rate or discontinues the tax, a referendum must be held in accordance with subsection (a) of this Section in order to increase the rate of the tax or to reimpose the discontinued tax.

(f) Beginning April 1, 1998, the results of any election authorizing a proposition to impose a tax under this Section or effecting a change in the rate of tax, or any ordinance lowering the rate or discontinuing the tax, shall be certified by the county clerk and filed with the Illinois Department of Revenue either (i) on or before the first day of April, whereupon the Department shall proceed to administer and enforce the tax as of the first day of July next following the filing; or (ii) on or before the first day of October, whereupon the Department shall proceed to administer and enforce the tax as of the first day of January next following the filing.

(g) When certifying the amount of a monthly disbursement to a county under this Section, the Department shall increase or decrease the amounts by an amount necessary to offset any miscalculation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a miscalculation is discovered.

(h) This Section may be cited as the "Special County Occupation Tax For Public Safety, Public Facilities, or Transportation Law".

(i) For purposes of this Section, "public safety" includes, but is not limited to, crime prevention, detention, fire fighting, police, medical, ambulance, or other emergency services. For the purposes of this Section, "transportation" includes, but is not limited to, the construction, maintenance, operation, and improvement of public highways, any other purpose for which a county may expend funds under the Illinois Highway Code, and passenger rail transportation. For the purposes of this Section, "public facilities purposes" includes, but is not limited to, the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and for the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the public facilities, for use by the county for the furnishing of governmental services to its citizens, including but not limited to museums and nursing homes.

(j) The Department may promulgate rules to implement this amendatory Act of the 95th General Assembly only to the extent necessary to apply the existing rules for the Special County Retailers' Occupation Tax for Public Safety to this new purpose for public facilities.

(Source: P.A. 94-781, eff. 5-19-06; 95-474, eff. 1-1-08; 95-1002, eff. 11-20-08.)

(55 ILCS 5/5-1035.1) (from Ch. 34, par. 5-1035.1)

Sec. 5-1035.1. County Motor Fuel Tax Law. The county board of the counties of DuPage, Kane and McHenry may, by an ordinance or resolution adopted by an affirmative vote of a majority of the members elected or appointed to the county board, impose a tax upon all persons engaged in the county in the business of selling motor fuel, as now or hereafter defined in the Motor Fuel Tax Law, at retail for the operation of motor vehicles upon public highways or for the operation of recreational watercraft upon waterways. Kane County may exempt diesel fuel from the tax imposed pursuant to this Section. The tax may be imposed, in half-cent increments, at a rate not exceeding 4 cents per gallon of motor fuel sold at retail within the county for the purpose of use or consumption and not for the purpose of resale. The proceeds from the tax shall be used by the county solely for the purpose of operating, constructing and improving public highways and waterways, and acquiring real property and right-of-ways for public

highways and waterways within the county imposing the tax.

A tax imposed pursuant to this Section, and all civil penalties that may be assessed as an incident thereof, shall be administered, collected and enforced by the Illinois Department of Revenue in the same manner as the tax imposed under the Retailers' Occupation Tax Act, as now or hereafter amended, insofar as may be practicable; except that in the event of a conflict with the provisions of this Section, this Section shall control. The Department of Revenue shall have full power: to administer and enforce this Section; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder.

Whenever the Department determines that a refund shall be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the County Option Motor Fuel Tax Fund.

The Department shall forthwith pay over to the State Treasurer, ex-officio, as trustee, all taxes and penalties collected hereunder, which shall be deposited into the County Option Motor Fuel Tax Fund, a special fund in the State Treasury which is hereby created. On or before the 25th day of each calendar month, the Department shall prepare and certify to the State Comptroller the disbursement of stated sums of money to named counties for which taxpayers have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each county shall be the amount (not including credit memoranda) collected hereunder from retailers within the county during the second preceding calendar month by the Department, but not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the county; less the amount expended during the second preceding month by the Department pursuant to appropriation from the County Option Motor Fuel Tax Fund for the administration and enforcement of this Section, which appropriation shall not exceed $200,000 for fiscal year 1990 and, for each year thereafter, shall not exceed 2% of the amount deposited into the County Option Motor Fuel Tax Fund during the preceding fiscal year.

A county may direct, by ordinance, that all or a portion of the taxes and penalties collected under the County Option Motor Fuel Tax shall be deposited into the Transportation Development Partnership Trust Fund.

Nothing in this Section shall be construed to authorize a county to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

An ordinance or resolution imposing a tax hereunder or effecting a change in the rate thereof shall be effective on the first day of the second calendar month next following the month in which the ordinance or resolution is adopted and a certified copy thereof is filed with the Department of Revenue, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the county as of the effective date of the ordinance or resolution. Upon a change in rate of a tax levied hereunder, or upon the discontinuance of the tax, the county board of the county shall, on or not later than 5 days after the effective date of the ordinance or resolution discontinuing the tax or effecting a change in rate, transmit to the Department of Revenue a certified copy of the ordinance or resolution effecting the change or discontinuance.

This Section shall be known and may be cited as the County Motor Fuel Tax Law.
(Source: P.A. 86-1028; 87-289.)

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

AMENDMENT NO. 2 TO HOUSE BILL 1322

AMENDMENT NO. 2. Amend House Bill 1322, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, line 8, before "shall", by inserting "at a minimum"; and

on page 2, line 23, before the period, by inserting ", less 10% of the aggregate funds contributed as matching funds and as federal funds".

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

On motion of Senator Holmes, **House Bill No. 1327** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 1327

AMENDMENT NO. 1. Amend House Bill 1327 on page 2, by replacing lines 22 and 23 with the following:

"(7) (blank) ~~maintains helicopter landing capabilities approved by appropriate State and federal authorities~~;".

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

On motion of Senator Martinez, **House Bill No. 1329** having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 1329

AMENDMENT NO. 1. Amend House Bill 1329 on page 1, line 22, after the period, by inserting the following:

"Such delegated services may not be performed by a person while holding himself or herself out as an electrologist or in any manner that indicates that the services are part of the practice of electrology.".

AMENDMENT NO. 2 TO HOUSE BILL 1329

AMENDMENT NO. 2. Amend House Bill 1329 on page 1, line 5, immediately after "20", by inserting the following:

", 23,"; and

on page 1, immediately below line 23, by inserting the following:

"(225 ILCS 412/23)

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

Sec. 23. Scope of practice.

(a) The scope of practice of an electrologist is limited to the following:

(1) The application of an antiseptic on the area of the individual's skin to which electrology will be applied.

(2) The use of a sterile needle/probe electrode type epilation, which includes (i) electrolysis, known as direct current/DC, (ii) thermolysis, known as alternating current/AC, or (iii) a combination of both electrolysis and thermolysis, known as superimposed or sequential blend.

(b) Nothing in this Act shall be construed to authorize an electrologist to perform ~~use~~ surgery ~~including but not limited to the use of any laser technology~~. Services involving laser technology may only be performed if they are delegated by a physician licensed to practice medicine in all its branches consistent with Section 20 of this Act and the Medical Practice Act of 1987 and any rules promulgated thereto. An electrologist shall refer to a licensed physician any individual whose condition, at the time of evaluation or service, is determined to be beyond the scope of practice of the electrologist, such as an individual with signs of infection or bleeding.

(Source: P.A. 92-750, eff. 1-1-03.)".

Senate Floor Amendment No. 3 was held in the Committee on Licensed Activities.

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

On motion of Senator Koehler, **House Bill No. 1332** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 1336** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 1345** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 1353** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dahl, **House Bill No. 1628** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 1793** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 1994** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 2005** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 2244** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Meeks, **House Bill No. 2245** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 2246** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 2247** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 2235** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 2251** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **House Bill No. 2253** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hultgren, **House Bill No. 1314** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hultgren, **House Bill No. 1348** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 2266** was taken up, read by title a second time.
Senate Floor Amendment No. 1 was held in the Committee on Judiciary.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 2275** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 2280** having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on Human Services, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 2280

AMENDMENT NO. 1. Amend House Bill 2280 on page 2, line 2, after "thereto", by inserting ", if the petitioner has requested such notification on that individual recipient"; and

on page 5, lines 4 and 5, by replacing "upon becoming law" with "January 1, 2010".

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

On motion of Senator Althoff, **House Bill No. 2281** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 2283** was taken up, read by title a second time. read by title a second time.

Senate Floor Amendment No. 1 was held in the Committee on Judiciary.

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

On motion of Senator Sullivan, **House Bill No. 2284** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 2285** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 2286** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 2289** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Jones, **House Bill No. 2294** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 2295** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Pankau, **House Bill No. 2296** 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 2296

AMENDMENT NO. 1. Amend House Bill 2296 by replacing everything after the enacting clause with the following:

"Section 5. The Metropolitan Transit Authority Act is amended by adding Section 53 as follows:

(70 ILCS 3605/53 new)

Sec. 53. Emergency protocols. Within 6 months after the effective date of this amendatory Act of the 96th General Assembly, the Board must develop written protocols to respond to medical and sanitation emergencies and to other safety hazards.

Section 10. The Regional Transportation Authority Act is amended by adding Sections 3A.17 and 3B.16 as follows:

(70 ILCS 3615/3A.17 new)

Sec. 3A.17. Emergency protocols. Within 6 months after the effective date of this amendatory Act of the 96th General Assembly, the Suburban Bus Board must develop written protocols to respond to medical and sanitation emergencies and to other safety hazards.

(70 ILCS 3615/3B.16 new)

Sec. 3B.16. Emergency protocols. Within 6 months after the effective date of this amendatory Act of the 96th General Assembly, the Commuter Rail Board must develop written protocols to respond to medical and sanitation emergencies and to other safety hazards.

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 Delgado, **House Bill No. 2318** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **House Bill No. 2321** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **House Bill No. 2322** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2322

AMENDMENT NO. 1. Amend House Bill 2322 on page 12, by replacing lines 24 through 25 with "the Illinois Department of Transportation and any private entity with expertise in the area in".

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

On motion of Senator Frerichs, **House Bill No. 2331** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2331

AMENDMENT NO. 1. Amend House Bill 2331 by replacing everything after the enacting clause with the following:

"Section 5. The Veterinary Medicine and Surgery Practice Act of 2004 is amended by changing Section 11 as follows:

(225 ILCS 115/11) (from Ch. 111, par. 7011)

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

Sec. 11. Practice pending licensure. ~~Temporary permits~~. A person holding the degree of Doctor of Veterinary Medicine, or its equivalent, from an accredited college of veterinary medicine, and who has applied in writing to the Department for a license to practice veterinary medicine and surgery in any of its branches, and who has fulfilled the requirements of Section 8 of this Act, with the exception of receipt of notification of his or her examination results, may ~~receive, at the discretion of the Department, a temporary permit to~~ practice under the direct supervision of a veterinarian who is licensed in this State, until: (1) the applicant has been notified of his or her failure to pass ~~the results of~~ the examination authorized by the Department; ~~or~~ (2) the applicant has withdrawn his or her application ; (3) the applicant has received a license from the Department after successfully passing the examination authorized by the Department; or (4) the applicant has been notified by the Department to cease and desist from practicing.

~~A temporary permit may be issued by the Department to a person who is a veterinarian licensed under the laws of another state, a territory of the United States, or a foreign country, upon application in writing to the Department for a license under this Act if he or she is qualified to receive a license and until: (1) the expiration of 6 months after the filing of the written application, (2) the withdrawal of the application or (3) the denial of the application by the Department.~~

~~A temporary permit issued under this Section shall not be extended or renewed. The holder of a temporary permit~~ The applicant shall perform only those acts that may be prescribed by and incidental to his or her employment and those acts ~~that act~~ shall be performed under the direction of a supervising veterinarian who is licensed in this State. The applicant ~~holder of the temporary permit~~ shall not be entitled to otherwise engage in the practice of veterinary medicine until fully licensed in this State.

The ~~Upon the revocation of a temporary permit, the~~ Department shall immediately notify, by certified mail, the supervising veterinarian employing the applicant and the applicant that the applicant shall immediately cease and desist from practicing if the applicant (1) practices outside his or her employment under a licensed veterinarian; (2) violates any provision of this Act; or (3) becomes ineligible for licensure under this Act. ~~holder of a temporary permit and the holder of the permit. A temporary permit shall be revoked by the Department upon proof that the holder of the permit has engaged in the practice of veterinary medicine in this State outside his or her employment under a licensed veterinarian.~~

(Source: P.A. 93-281, eff. 12-31-03.)

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

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

On motion of Senator Haine, **House Bill No. 2335** 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 2335

AMENDMENT NO. 1. Amend House Bill 2335 by replacing everything after the enacting clause with the following:

"Section 5. The Limited Liability Company Act is amended by adding Section 1-26 as follows:
(805 ILCS 180/1-26 new)

Sec. 1-26. Certificate of Registration; Department of Financial and Professional Regulation. A limited liability company shall not open, operate, or maintain an establishment for any of the purposes for which a limited liability company may be organized under this Act without a certificate of registration from the Department of Financial and Professional Regulation authorized by law to license individuals to engage in the profession or related professions concerned, for the professions as provided in paragraphs (3) and (4) of Section 1-25 or in any licensing Act administered by the Department in which any licensee intending to organize as a limited liability company may incorporate as a professional corporation.

Application for such registration shall be made in writing and shall contain the name and address of the limited liability company and such other information as may be required by the Department. Upon receipt of such application, the Department shall make an investigation of the limited liability company. If the Department finds that the organizers, managers, and members are each licensed pursuant to the laws of Illinois to engage in the particular profession or related professions involved (except that an initial organizer may be a licensed attorney) and if no disciplinary action is pending before the Department against any of them and if it appears that the limited liability company will be conducted in compliance with the law and the rules and regulations of the Department, the Department shall issue, upon payment of a registration fee of $50, a certificate of registration.

Upon written application of the holder, the Department shall renew the certificate if it finds that the limited liability company has complied with its regulations and the provisions of this Act and the applicable licensing Act. This fee for the renewal of a certificate of registration shall be calculated at the rate of $40 per year. The certificate of registration shall be conspicuously posted upon the premises to which it is applicable, and the limited liability company shall have only those offices which are designated by street address in the articles of organization, or as changed by amendment of such articles. A certificate of registration shall not be assignable.

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

Senate Committee Amendment No. 2 was held in the Committee on Assignments.
Senate Floor Amendment No. 3 was referred to the Committee on Assignments earlier today.
There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Haine, **House Bill No. 2337** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **House Bill No. 2353** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 2365** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Wilhelmi, **House Bill No. 2370** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 2383** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 2388** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2388

AMENDMENT NO. 1. Amend House Bill 2388 by replacing line 26 on page 6 and lines 1 through 5 on page 7 with the following:

"emotional well-being, and general safety. The term includes compulsive hoarding, which is characterized by the acquisition and retention of large quantities of items and materials that produce an extensively cluttered living space, which significantly impairs the performance of essential self-care tasks or otherwise substantially threatens life or safety.".

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

On motion of Senator Harmon, **House Bill No. 2395** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 2396** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 2405** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2405

AMENDMENT NO. 1. Amend House Bill 2405, on page 21, line 25, by deleting "or surrender"; and

on page 22, lines 3, 6, 10, 12, 15, and 18 by deleting "or surrender" each time it appears; and

on page 22, line 16, by replacing "child welfare agency, child" with "child welfare agency, or a child".

AMENDMENT NO. 2 TO HOUSE BILL 2405

AMENDMENT NO. 2. Amend House Bill 2405 on page 1, lines 4 and 5, by replacing "Section 10" with "Sections 10 and 14.5"; and

on page 22, below line 19, by inserting the following:

"(750 ILCS 50/14.5 new)

Sec. 14.5. Petition to adopt by former parent.

(a) For purposes of this Section, the term "former parent" means a person whose rights were terminated as described in paragraph (1) or (2). A petition to adopt by a former parent may be filed regarding any minor who was a ward of the court under Article II of the Juvenile Court Act of 1987 when:

(1) while the minor was under the jurisdiction of the court under Article II of the Juvenile Court Act of 1987, the minor's former parent or former parents surrendered the minor for adoption to an agency legally authorized to place children for adoption, or the minor's former parent or former parents consented to the minor's adoption, or the former parent's or former parents' rights were terminated pursuant to a finding of unfitness pursuant to Section 2-29 of the Juvenile Court Act of 1987 and a guardian was appointed with the power to consent to adoption pursuant to Section 2-29 of the Juvenile Court Act of 1987; or

(2) following the appointment of a guardian with the right to consent to the adoption of the minor pursuant to Section 2-29 of the Juvenile Court Act of 1987, the former parent's or former parents' rights were terminated pursuant to a finding of unfitness pursuant to paragraph (d) of subsection B of Section 13; and

(3) (i) since the signing of the surrender or consent, or the unfitness finding, the minor remained a ward of the court and was subsequently adopted by an individual or individuals who, at the time of the adoption, were biologically related to the minor as defined in subsection B of Section 1 and (ii) either the adoptive parent has died (or both adoptive parents have died in the case of 2 adoptive parents) and no standby guardian or standby adoptive parent has been appointed for the minor, and no guardian has been appointed by the adoptive parent for the minor through a will; or due to a mental or physical impairment the adoptive parent is no longer able to provide care for the minor and the adoptive parent has consented in open court, or by such means as is approved by the court, to the adoption of the minor by the petitioner; and

(4) the former parent named in the petition wishes to adopt the minor and meets the criteria established in this Section to adopt; and

(5) it is in the best interests of the minor to have the petitioner adopt and have parental rights reinstated.

(b) The petition may be filed by any party or by the former parent now seeking to adopt the minor.

(c) Where a former parent seeks to have a court order for adoption, the following procedures shall apply:

(1) In addition to the requirements set out in this Act in Section 5, a petition by a former parent to adopt filed by a former parent shall include the following allegations:

(A) that his or her parental rights were previously terminated pursuant to Section 2-29 of the Juvenile Court Act of 1987;

(B) the basis upon which his or her parental rights were terminated;

(C) that the petitioner is able and willing to resume care, custody, and control of the minor;

(D) that the adoptive parent of the minor is deceased and no standby guardian or standby adoptive parent has been appointed for the minor, and no guardian has been appointed by the adoptive parent for the minor through a will; or the adoptive parent is no longer able to provide care for the minor due to a mental or physical impairment and has consented to the petitioner's adoption of the minor in open court or by such means as is approved by the court; and

(E) that it is in the best interests of the minor to be adopted by the petitioner and for the petitioner's parental rights to be reinstated.

(2) A former parent shall not have standing to file a petition for adoption, where the minor is the subject of a pending petition filed under Article II of the Juvenile Court Act of 1987. If the minor named in the petition for adoption is not the subject of a pending petition filed under Article II of the Juvenile Court Act of 1987, a former parent shall have standing to file a petition for adoption only if: the adoptive parent is deceased and no standby guardian or standby adoptive parent has been appointed for the minor, and no guardian has been appointed by the adoptive parent for the minor through a will; or the adoptive parent is no longer able to provide care for the minor due to a mental or physical impairment and has consented to such adoption in open court or by such means as is approved by the court.

(d) Interim order. Following presentment of a petition for adoption by a former parent concerning a child who was previously named in a petition filed under Article II of the Juvenile Court Act of 1987 the following procedures and safeguards shall be employed, in addition to the applicable requirements set out in this Act, and shall be included in the written interim order for the adoption by a former parent:

(1) In determining the minor's best interests pursuant to Section 2-29 of the Juvenile Court Act of 1987 and this Act, the Court shall consider, in addition to the factors set forth in subsection 4.05 of Section 1-3 of the Juvenile Court Act of 1987, the reasons why the case was initially brought to the attention of the juvenile court and adoption proceedings were instituted, the history of the case as it relates to the former parent seeking adoption, and the current circumstances of the former parent for whom adoption is sought.

(2) In any case involving a child who meets these criteria for adoption by a former parent, the Department of Children and Family Services shall be appointed as the investigator as outlined in Section 6 to conduct an investigation and report to the court (i) the facts and circumstances which raised concerns as to the petitioner's ability and willingness to provide adequate care and protection to children in his or her custody, (ii) an assessment of the petitioner's current ability and willingness to provide adequate care and protection for the child named in the petition, and (iii) any information which might reasonably raise a concern as to the child's safety, well being, or best interests should the court grant the petition to adopt by the former parent.

(3) In selecting the minor's guardian ad litem, pursuant to subsection B of Section 13, whenever practical, the court shall give preference to the guardian ad litem who represented the minor in the juvenile court proceeding. The guardian ad litem shall have the right to review and copy all records, including juvenile court records relating to the petitioner, the minor, and the minor's siblings and half

siblings.

(4) The report of the investigator and the guardian ad litem shall be presented in writing to the court and shall serve as a basis for the order of court upon the petition for adoption by a former parent.

(e) Order of adoption.

(1) If it is proved to the satisfaction of the court that the adoption will be in the best interests of the minor, after such investigation as the court deems necessary, an order of adoption shall be entered.

(2) An order of adoption shall be final as to all findings and shall be entered in writing.

(3) Upon the entry of an order granting a petition to adopt by a former parent, all parental rights of the former parent named in the order shall be reinstated and the physical care, custody and control of the minor shall be reinstated to the former parent.

(4) The order of adoption shall include an order to the Illinois Department of Public Health to issue a new birth certificate for the person who is the subject of the petition for adoption by a former parent.

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 Garrett, **House Bill No. 2409** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 2410** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 2414** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 2424** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 2429** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 2433** was taken up, read by title a second time.
Senate Floor Amendment No. 1 was held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Wilhelmi, **House Bill No. 2437** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 2439** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 2440** was taken up, read by title a second time.
Senate Floor Amendment No. 1 was held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 2442** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 2443** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2443

AMENDMENT NO. 1. Amend House Bill 2443 on page 1, by replacing line 5 with the following:

"is amended by changing Sections 8, 9, 11, 13, and 15 and by adding Section 6.1 as follows:"; and

on page 1, immediately below line 5, by inserting the following:

"(225 ILCS 50/8) (from Ch. 111, par. 7408)

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

Sec. 8. Applicant qualifications; examination.

(a) In order to protect persons with hearing impairments, the Department shall authorize or shall conduct an appropriate examination for persons who dispense, test, select, recommend, fit, or service hearing instruments. The frequency of holding these examinations shall be determined by the Department by rule. Those who successfully pass such an examination shall be issued a license as a hearing instrument dispenser, which shall be effective for a 2-year period.

(b) Applicants shall be:

(1) at least 18 years of age;

(2) of good moral character;

(3) a high school graduate or the equivalent;

(4) free of contagious or infectious disease; and

(5) a citizen or person who has the status as a legal alien.

Felony convictions of the applicant and findings against the applicant involving matters set forth in Sections 17 and 18 shall be considered in determining moral character, but such a conviction or finding shall not make an applicant ineligible to register for examination.

(c) Prior to engaging in the practice of fitting, dispensing, or servicing hearing instruments, an applicant shall demonstrate, by means of written and practical examinations, that such person is qualified to practice the testing, selecting, recommending, fitting, selling, or servicing of hearing instruments as defined in this Act. An applicant who fails to obtain a license within 12 months after passing both the written and practical examinations must take and pass those examinations again in order to be eligible to receive a license.

The Department shall, by rule, determine the conditions under which an individual is examined.

(d) Proof of having met the minimum requirements of continuing education as determined by the Board shall be required of all license renewals. Pursuant to rule, the continuing education requirements may, upon petition to the Board, be waived in whole or in part if the hearing instrument dispenser can demonstrate that he or she served in the Coast Guard or Armed Forces, had an extreme hardship, or obtained his or her license by examination or endorsement within the preceding renewal period.

(e) Persons ~~Beginning January 1, 2003, persons~~ applying for an initial license must demonstrate having earned , at a minimum, an associate degree or its equivalent from an accredited institution of higher education that is recognized by the U.S. Department of Education and meet the other requirements of this Section. In addition, the applicant must demonstrate the successful completion of 12 semester hours or 18 quarter hours of academic undergraduate course work in an accredited institution consisting of 3 semester hours of anatomy and physiology of the speech and hearing mechanism, 3 semester hours of hearing science, 3 semester hours of introduction to audiology, and 3 semester hours of aural rehabilitation, or the quarter hour equivalent. Persons licensed before January 1, 2003 who have a valid license on that date may have their license renewed without meeting the requirements of this subsection.

(Source: P.A. 91-932, eff. 1-1-01; 92-161, eff. 7-25-01.)

(225 ILCS 50/9) (from Ch. 111, par. 7409)

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

Sec. 9. Areas of examination. The examination required by Section 8 shall be set forth by rule and demonstrate the applicant's technical qualifications by:

(a) Tests of knowledge in the following areas as they pertain to the testing, selecting, recommending, fitting, and selling of hearing instruments:

(1) characteristics of sound;

(2) the nature of the ear; and

(3) the function and maintenance of hearing instruments.

(b) Practical tests of proficiency in ~~the following~~ techniques as they pertain to the fitting of hearing instruments shall be prescribed by the Department, set forth by rule, and include candidate qualifications in the following areas::

(1) pure tone audiometry including air conduction testing and bone conduction testing;

(2) live voice or recorded voice speech audiometry, including speech reception, threshold testing and speech discrimination testing;

(3) masking;

(4) proper selection and adaptation of a hearing instrument;

(5) Taking earmold impressions;

(6) Proper maintenance procedures; and

(7) a general knowledge of the medical and physical contra-indications to the use and fitting of a hearing instrument.

(c) Knowledge of the general medical and hearing rehabilitation facilities in the area being served.

(d) Knowledge of the provisions of this Act and the rules promulgated hereunder.

(Source: P.A. 89-72, eff. 12-31-95.)

(225 ILCS 50/11) (from Ch. 111, par. 7411)

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

Sec. 11. Graduate audiology students. Full-time graduate students enrolled in a program of audiology in an accredited college or university may engage in the dispensing of hearing instruments as a part of an academic ~~a~~ program of audiology without a license under the supervision of a licensed audiologist.

The supervisor and the supervisor's employer shall be jointly and severally liable for any acts of the student relating to the practice of fitting or dispensing hearing instruments as defined in this Act and the rules promulgated hereunder.

(Source: P.A. 91-932, eff. 1-1-01.)

(225 ILCS 50/13) (from Ch. 111, par. 7413)

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

Sec. 13. Expiration and renewal of licenses. The expiration date and renewal period for licenses shall be set by rule. ~~A hearing instrument dispenser whose license has expired may have it reinstated within 2 years after the expiration thereof, by making a renewal application therefor, demonstrating compliance with all continuing education requirements, and by paying the required fee. However, any hearing instrument dispenser whose license expired while: (1) on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have the license renewed, reinstated, or restored without paying any lapsed renewal fees if, within 2 years after honorable termination of such service, training, or education, except under conditions other than honorable, such person shall have furnished the Department with satisfactory evidence of being so engaged and that the service, training or education has been terminated.~~

~~Pursuant to rule, a hearing instrument dispenser whose license has expired and who has not practiced for at least 2 years may have such license restored by retaking and passing the examinations as required by Sections 8 and 9 and paying the required fees.~~

(Source: P.A. 89-72, eff. 12-31-95.)

(225 ILCS 50/15) (from Ch. 111, par. 7415)

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

Sec. 15. Fees.

(a) The examination and licensure ~~following are~~ fees paid to the Department ~~to be charged and~~ are not refundable and shall be set forth by administrative rule. ~~:~~

~~(1) The fee for application for a license is $40.~~

~~(2) In addition to the application fee, applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the actual cost of the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application and fee for the examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the fee.~~

~~(3) The fee for a license shall be $115 per 2 year licensure period, except that the fee for a license for a person obtaining his or her supervised professional experience as required by subsection (f) of Section 8 of the Illinois Speech Language Pathology and Audiology Practice Act shall be $60 per one year licensure period.~~

~~(4) The fee for the reinstatement of a license which has been expired for more than 90 days but less than 2 years is $50 plus payment of all lapsed renewal and late fees.~~

~~(5) The fee for the restoration of a license which has been expired for more than 2 years is $100 plus payment of all lapsed renewal and late fees.~~

~~(6) The fee for the issuance of a duplicate license, for the issuance of a replacement license which has been lost or destroyed or for the issuance of a license with a change of name or address is $10. No fee is required for name and address changes on Department records when no duplicate license is issued.~~

~~(7) The fee for a licensee's record for any purpose is $10.~~

~~(8) The fee to have the scoring of an examination administered by the Department reviewed and verified is $10, plus any fee charged by the testing service.~~

~~(9) The fee for a wall license shall be the actual cost of such license.~~

~~(10) The fee for a roster of persons licensed as hearing instrument dispensers shall be the actual cost~~

~~of such roster.~~

~~(11) The annual fee for any organization registered pursuant to Section 6 is $100. Such fee is in addition to all other fees imposed under this Act.~~

~~(12) A late fee, which shall be in the same amount as the license renewal fee, shall be charged to a dispenser whose license renewal fee is received by the Department after the expiration date of the license.~~

~~(13) Sponsors of continuing education courses shall provide such information as may be required by rule and shall pay a fee of $150 per course. However, courses certified or approved for continuing education by the International Hearing Aid Society, the American Academy of Audiology, the Academy of Dispensing Audiologists, the American Speech-Language-Hearing Association, or any other national organization approved by the Board shall be exempt from such fee and compliance with such course filing requirements as specified by rule.~~

(b) The moneys received as fees and fines by the Department under this Act shall be deposited in the Hearing Instrument Dispenser Examining and Disciplinary Fund, which is hereby created as a special fund in the State Treasury, and shall be used only for the administration and enforcement of this Act, including: (1) costs directly related to licensing of persons under this Act; and (2) by the Board in the exercise of its powers and performance of its duties, and such use shall be made by the Department with full consideration of all recommendations of the Board.

All moneys deposited in the Fund shall be appropriated to the Department for expenses of the Department and the Board in the administration and enforcement of this Act.

Moneys in the Fund may be invested and reinvested, with all earnings deposited in the Fund and used for the purposes set forth in this Act.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act, which audit shall include an audit of the Fund, the Department shall make a copy of the audit open to inspection by any interested person, which copy shall be submitted to the Department by the Auditor General, in addition to the copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.

(Source: P.A. 91-932, eff. 1-1-01.)".

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

On motion of Senator Haine, **House Bill No. 2444** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **House Bill No. 2450** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2450

AMENDMENT NO. 1. Amend House Bill 2450 on page 2, by replacing lines 18 through 20 with the following:

""Prescription" has the same meaning ascribed to it in Section 3 of the Pharmacy Practice Act."; and

on page 5, line 3, by replacing "Secretary" with "Director of the Department of State Police"; and

on page 5, line 5, by replacing "Secretary" with "Director of the Department of State Police"; and

on page 6, line 2, by replacing "Secretary" with "Director of the Department of State Police"; and

on page 6, line 10, by replacing "Secretary" each time it appears with "Director of the Department of State Police"; and

on page 7, line 2, by replacing "Secretary" with "Director of the Department of State Police"; and

on page 7, line 14, by replacing "Secretary" with "Director of the Department of State Police"; and

on page 7, line 21, by replacing "Secretary" with "Director of the Department of State Police"; and

on page 8, line 7, by replacing "Secretary" with "Director of the Department of State Police".

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

On motion of Senator Rutherford, **House Bill No. 2451** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 2470** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2470

AMENDMENT NO. 1. Amend House Bill 2470 on page 2, by replacing line 6 with the following:

"qualified township, except for census tracts located within any township that is located wholly within a municipality with 1,000,000 or more inhabitants. A census tract that is located within a township that is located wholly within a municipality with 1,000,000 or more inhabitants is considered a housing opportunity area if less than 12% of the residents of the census tract live below the poverty level.".

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

On motion of Senator Raoul, **House Bill No. 2474** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2474

AMENDMENT NO. 1. Amend House Bill 2474 on page 5, line 16, by replacing "September 1, 2009" with "September 1, 2010"; and

on page 10, line 10, by replacing "January 31, 2010" with "December 31, 2010".

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

On motion of Senator Harmon, **House Bill No. 2481** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 2491** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2491

AMENDMENT NO. 1. Amend House Bill 2491 as follows:

on page 1, line 5, immediately after "Sections", by inserting "10,"; and

on page 1, immediately below line 6, by inserting the following:

"(415 ILCS 135/10)

Sec. 10. Drycleaner Environmental Response Trust Fund.

(a) The Drycleaner Environmental Response Trust Fund is created as a special fund in the State Treasury. Moneys deposited into the Fund shall be used solely for the purposes of the Council and for other purposes as provided in this Act. The Fund shall include moneys credited to the Fund under this Act and other moneys that by law may be credited to the Fund. The State Treasurer may invest Funds deposited into the Fund at the direction of the Council. Interest, income from the investments, and other income earned by the Fund shall be credited to and deposited into the Fund.

Pursuant to appropriation, all moneys in the Drycleaner Environmental Response Trust Fund shall be disbursed by the Agency to the Council for the purpose of making disbursements, if any, in accordance

with this Act and for the purpose of paying the ordinary and contingent expenses of the Council. After June 30, 1999, pursuant to appropriation, all moneys in the Drycleaner Environmental Response Trust Fund may be used by the Council for the purpose of making disbursements, if any, in accordance with this Act and for the purpose of paying the ordinary and contingent expenses of the Council.

The Fund may be divided into different accounts with different depositories to fulfill the purposes of the Act as determined by the Council.

Moneys in the Fund at the end of a State fiscal year shall be carried forward to the next fiscal year and shall not revert to the General Revenue Fund.

(a-5) The Drycleaner Environmental Response Trust Fund shall not be subject to sweeps, administrative charges, or charge-backs, including, but not limited to, those authorized under Section 8h of the State Finance Act, or any other fiscal or budgetary maneuver that would transfer funds from the Drycleaner Environmental Response Trust Fund into another fund of the State.

(b) The specific purposes of the Fund include but are not limited to the following:

(1) To establish an account to fund remedial action of drycleaning solvent releases from drycleaning facilities as provided by Section 40.

(2) To establish an insurance account for insuring environmental risks from releases from drycleaning facilities within this State as provided by Section 45.

(c) The State, the General Revenue Fund, and any other Fund of the State, other than the Drycleaner Environmental Response Trust Fund, shall not be liable for a claim or cause of action in connection with a drycleaning facility not owned or operated by the State or an agency of the State. All expenses incurred by the Fund shall be payable solely from the Fund and no liability or obligation shall be imposed upon the State. The State is not liable for a claim presented against the Fund.

(d) The liability of the Fund is limited to the extent of coverage provided by the account under which a claim is submitted, subject to the terms and conditions of that coverage. The liability of the Fund is further limited by the moneys made available to the Fund, and no remedy shall be ordered that would require the Fund to exceed its then current funding limitations to satisfy an award or which would restrict the availability of moneys for higher priority sites.

(e) Nothing in this Act shall be construed to limit, restrict, or affect the authority and powers of the Agency or another State agency or statute unless the State agency or statute is specifically referenced and the limitation is clearly set forth in this Act.

(Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)".

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

On motion of Senator Harmon, **House Bill No. 2494** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Pankau, **House Bill No. 2505** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Pankau, **House Bill No. 2506** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 2507** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 2513** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 2527** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 2533** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 2535** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Pankau, **House Bill No. 2536** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 2539** 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 2539

AMENDMENT NO. 1. Amend House Bill 2539 on page 2, line 6, after "guardian", by inserting "by the Governor"; and

on page 3, by replacing line 10 with the following:
"reasonable and appropriate fees. In counties having a population of 1,000,000 or less, the public guardian shall do so on not less than a yearly".

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

On motion of Senator Hunter, **House Bill No. 2541** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 2542** was taken up, read by title a time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments

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

On motion of Senator Risinger, **House Bill No. 2544** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 2546** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 2547** 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 2547

AMENDMENT NO. 1. Amend House Bill 2547 as follows:

on page 4, by replacing lines 22 through 23 with the following:

"Section 99. Effective date. This Act takes effect January 1, 2010.".

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

On motion of Senator Harmon, **House Bill No. 2548** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 2557** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2557

AMENDMENT NO. 1. Amend House Bill 2557, on page 3, line 9, by replacing "1-108.5," with "1A-108.5,".

Senate Committee Amendment No. 2 was held in the Committee on Assignments.

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

On motion of Senator Lightford, **House Bill No. 2537** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2537

AMENDMENT NO. 1. Amend House Bill 2537 on page 1, line 14, by inserting after the period the following:
"This prohibition applies only to the initial uploading of the electronic nude image to the Internet, and shall not apply to any subsequent forwarding, linking to, storage, or viewing of that image.".

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

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

On motion of Senator Martinez, **House Bill No. 2573** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2573

AMENDMENT NO. 1. Amend House Bill 2573 as follows:

on page 1, line 21, by inserting immediately after "emailed" the following:
"or (iii) on campuses that provide for online registration of student classes, such information pertaining to sexual harassment laws and policies may be incorporated into the registration process so that students must review the policies and laws and acknowledge such review, prior to being allowed to register".

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

On motion of Senator Martinez, **House Bill No. 2574** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 2582** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Risinger, **House Bill No. 2592** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 2593** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **House Bill No. 2610** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 2612** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 2625** was taken up, read by title a second time.

Senate Floor Amendment No. 1 was held in the Committee on Transportation.

Senate Floor Amendment No. 2 was held in the Committee on Assignments.

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

On motion of Senator Jacobs, **House Bill No. 2626** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 2643** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **House Bill No. 2644** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 2649** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hultgren, **House Bill No. 2650** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **House Bill No. 2651** 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 2651

AMENDMENT NO. 1. Amend House Bill 2651 on page 3, by inserting immediately below line 21 the following:

"(d) This amendatory Act of the 96th General Assembly shall not be construed to create a private right of action.".

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

On motion of Senator Hunter, **House Bill No. 2653** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 2661** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 2664** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Risinger, **House Bill No. 2669** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hultgren, **House Bill No. 2670** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 2674** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 2675** 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 2675

AMENDMENT NO. 1. Amend House Bill 2675 on page 1, line 18, by replacing "~~Good Friday;~~" with "Good Friday;".

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

On motion of Senator Delgado, **House Bill No. 2678** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 2688** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bivins, **House Bill No. 2750** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 2845** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Meeks, **House Bill No. 2871** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 3112** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 3245** 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 3245

AMENDMENT NO. 1. Amend House Bill 3245 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 18-8.05 as follows:

(105 ILCS 5/18-8.05)

Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.

(A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9 and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

(c) "Corporate Personal Property Replacement Taxes": Funds paid to local school districts pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

(d) "Foundation Level": A prescribed level of per pupil financial support as provided for in subsection (B).

(e) "Operating Tax Rate": All school district property taxes extended for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.

(B) Foundation Level.

(1) The Foundation Level is a figure established by the State representing the minimum level of per pupil financial support that should be available to provide for the basic education of each pupil in Average Daily Attendance. As set forth in this Section, each school district is assumed to exert a sufficient local taxing effort such that, in combination with the aggregate of general State financial aid provided the district, an aggregate of State and local resources are available to meet the basic education needs of pupils in the district.

(2) For the 1998-1999 school year, the Foundation Level of support is $4,225. For the 1999-2000 school year, the Foundation Level of support is $4,325. For the 2000-2001 school year, the Foundation Level of support is $4,425. For the 2001-2002 school year and 2002-2003 school year, the Foundation Level of support is $4,560. For the 2003-2004 school year, the Foundation Level of support is $4,810. For the 2004-2005 school year, the Foundation Level of support is $4,964. For the 2005-2006 school year, the Foundation Level of support is $5,164. For the 2006-2007 school year, the Foundation Level of support is $5,334. For the 2007-2008 school year, the Foundation Level of support is $5,734.

(3) For the 2008-2009 school year and each school year thereafter, the Foundation Level of support is $5,959 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

(1) For purposes of calculating general State aid pursuant to subsection (E), an Average Daily Attendance figure shall be utilized. The Average Daily Attendance figure for formula calculation purposes shall be the monthly average of the actual number of pupils in attendance of each school district, as further averaged for the best 3 months of pupil attendance for each school district. In compiling the figures for the number of pupils in attendance, school districts and the State Board of Education shall, for purposes of general State aid funding, conform attendance figures to the requirements of subsection (F).

(2) The Average Daily Attendance figures utilized in subsection (E) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated or the average of the attendance data for the 3 preceding school years, whichever is greater. The Average Daily Attendance figures utilized in subsection (H) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated.

(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance. Calculation of Available Local Resources shall exclude any tax amnesty funds received as a result of Public Act 93-26.

(2) In determining a school district's revenue from local property taxes, the State Board of Education

shall utilize the equalized assessed valuation of all taxable property of each school district as of September 30 of the previous year. The equalized assessed valuation utilized shall be obtained and determined as provided in subsection (G).

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

For partial elementary unit districts created pursuant to Article 11E of this Code, local property tax revenues per pupil shall be calculated as the product of the equalized assessed valuation for property within the partial elementary unit district for elementary purposes, as defined in Article 11E of this Code, multiplied by 2.06% and divided by the district's Average Daily Attendance figure, plus the product of the equalized assessed valuation for property within the partial elementary unit district for high school purposes, as defined in Article 11E of this Code, multiplied by 0.94% and divided by the district's Average Daily Attendance figure.

(4) The Corporate Personal Property Replacement Taxes paid to each school district during the calendar year 2 years before the calendar year in which a school year begins, divided by the Average Daily Attendance figure for that district, shall be added to the local property tax revenues per pupil as derived by the application of the immediately preceding paragraph (3). The sum of these per pupil figures for each school district shall constitute Available Local Resources as that term is utilized in subsection (E) in the calculation of general State aid.

(E) Computation of General State Aid.

(1) For each school year, the amount of general State aid allotted to a school district shall be computed by the State Board of Education as provided in this subsection.

(2) For any school district for which Available Local Resources per pupil is less than the product of 0.93 times the Foundation Level, general State aid for that district shall be calculated as an amount equal to the Foundation Level minus Available Local Resources, multiplied by the Average Daily Attendance of the school district.

(3) For any school district for which Available Local Resources per pupil is equal to or greater than the product of 0.93 times the Foundation Level and less than the product of 1.75 times the Foundation Level, the general State aid per pupil shall be a decimal proportion of the Foundation Level derived using a linear algorithm. Under this linear algorithm, the calculated general State aid per pupil shall decline in direct linear fashion from 0.07 times the Foundation Level for a school district with Available Local Resources equal to the product of 0.93 times the Foundation Level, to 0.05 times the Foundation Level for a school district with Available Local Resources equal to the product of 1.75 times the Foundation Level. The allocation of general State aid for school districts subject to this paragraph 3 shall be the calculated general State aid per pupil figure multiplied by the Average Daily Attendance of the school district.

(4) For any school district for which Available Local Resources per pupil equals or exceeds the product of 1.75 times the Foundation Level, the general State aid for the school district shall be calculated as the product of $218 multiplied by the Average Daily Attendance of the school district.

(5) The amount of general State aid allocated to a school district for the 1999-2000 school year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an amount equal to the general State aid that would have been received by the district for the 1998-1999 school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This amount shall be deemed a one time increase, and shall not affect any future general State aid allocations.

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(c) In districts in which some buildings, but not all, hold year-round classes, for the non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May. The average daily attendance for the year-round buildings shall be computed as provided in subdivision (b) of this paragraph (1). To calculate the Average Daily Attendance for the district, the average daily attendance for the year-round buildings shall be multiplied by the days in session for the non-year-round buildings for each month and added to the monthly attendance of the non-year-round buildings.

Except as otherwise provided in this Section, days of attendance by pupils shall be counted only for sessions of not less than 5 clock hours of school work per day under direct supervision of: (i) teachers, or (ii) non-teaching personnel or volunteer personnel when engaging in non-teaching duties and supervising in those instances specified in subsection (a) of Section 10-22.34 and paragraph 10 of Section 34-18, with pupils of legal school age and in kindergarten and grades 1 through 12.

Days of attendance by tuition pupils shall be accredited only to the districts that pay the tuition to a recognized school.

(2) Days of attendance by pupils of less than 5 clock hours of school shall be subject to the following provisions in the compilation of Average Daily Attendance.

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

(b) Days of attendance may be less than 5 clock hours on the opening and closing of the school term, and upon the first day of pupil attendance, if preceded by a day or days utilized as an institute or teachers' workshop.

(c) A session of 4 or more clock hours may be counted as a day of attendance upon certification by the regional superintendent, and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions.

(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year of which a maximum of 4 days of such 5 days may be used for parent-teacher conferences, provided a district conducts an in-service training program for teachers which has been approved by the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be counted as a day of attendance; and (2) when days in addition to those provided in item (1) are scheduled by a school pursuant to its school improvement plan adopted under Article 34 or its revised or amended school improvement plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are scheduled to occur at regular intervals, (ii) the remainder of the school days in which such sessions occur are utilized for in-service training programs or other staff development activities for teachers, and (iii) a sufficient number of minutes of school work under the direct supervision of teachers are added to the school days between such regularly scheduled sessions to accumulate not less than the number of minutes by which such sessions of 3 or more clock hours fall short of 5 clock hours. Any full days used for the purposes of this paragraph shall not be considered for computing average daily attendance. Days scheduled for in-service training programs, staff development activities, or parent-teacher conferences may be scheduled separately for different grade levels and different attendance centers of the district.

(e) A session of not less than one clock hour of teaching hospitalized or homebound pupils on-site or by telephone to the classroom may be counted as 1/2 day of attendance, however these pupils must receive 4 or more clock hours of instruction to be counted for a full day of attendance.

(f) A session of at least 4 clock hours may be counted as a day of attendance for first grade pupils, and pupils in full day kindergartens, and a session of 2 or more hours may be counted as 1/2 day of attendance by pupils in kindergartens which provide only 1/2 day of attendance.

(g) For children with disabilities who are below the age of 6 years and who cannot attend 2 or more clock hours because of their disability or immaturity, a session of not less than one clock hour may be counted as 1/2 day of attendance; however for such children whose educational needs so require a session of 4 or more clock hours may be counted as a full day of attendance.

(h) A recognized kindergarten which provides for only 1/2 day of attendance by each pupil shall not have more than 1/2 day of attendance counted in any one day. However, kindergartens may count 2 1/2 days of attendance in any 5 consecutive school days. When a pupil attends such a kindergarten for 2 half days on any one school day, the pupil shall have the following day as a day absent from school, unless the school district obtains permission in writing from the State Superintendent of Education. Attendance at kindergartens which provide for a full day of attendance by each pupil shall be counted the same as attendance by first grade pupils. Only the first year of attendance in one kindergarten shall be counted, except in case of children who entered the kindergarten in their fifth year whose educational development requires a second year of kindergarten as determined under the rules and regulations of the State Board of Education.

(i) On the days when the Prairie State Achievement Examination is administered under subsection (c) of Section 2-3.64 of this Code, the day of attendance for a pupil whose school day must be shortened to accommodate required testing procedures may be less than 5 clock hours and shall be counted towards the 176 days of actual pupil attendance required under Section 10-19 of this Code, provided that a sufficient number of minutes of school work in excess of 5 clock hours are first completed on other school days to compensate for the loss of school work on the examination days.

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

The Department of Revenue shall add to the equalized assessed value of all taxable property of each school district situated entirely or partially within a county that is or was subject to the provisions of Section 15-176 or 15-177 of the Property Tax Code (a) an amount equal to the total amount by which the homestead exemption allowed under Section 15-176 or 15-177 of the Property Tax Code for real property situated in that school district exceeds the total amount that would have been allowed in that school district if the maximum reduction under Section 15-176 was (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter and (b) an amount equal to the aggregate amount for the taxable year of all additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. The county clerk of any county that is or was subject to the provisions of Section 15-176 or 15-177 of the Property Tax Code shall annually calculate and certify to the Department of Revenue for each school district all homestead exemption amounts under Section 15-176 or 15-177 of the Property Tax Code and all amounts of additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. It is the intent of this paragraph that if the general homestead exemption for a parcel of property is determined under Section 15-176 or 15-177 of the Property Tax Code rather than Section 15-175, then the calculation of Available Local Resources shall not be affected by the difference, if any, between the amount of the general homestead exemption allowed for that parcel of property under Section 15-176 or 15-177 of the Property Tax Code and the amount that would have been allowed had the general homestead exemption for that parcel of property been determined under Section 15-175 of the Property Tax Code. It is further the intent of this paragraph that if additional exemptions are allowed under Section 15-175 of the Property Tax Code for owners with a household income of less than $30,000, then the calculation of Available Local Resources shall not be affected by the difference, if any, because of those additional exemptions.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

(2) The equalized assessed valuation in paragraph (1) shall be adjusted, as applicable, in the following manner:

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment

Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized assessed valuation of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(b) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value as equalized or assessed by the Department of Revenue for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (b).

(3) For the 1999-2000 school year and each school year thereafter, if a school district meets all of the criteria of this subsection (G)(3), the school district's Available Local Resources shall be calculated under subsection (D) using the district's Extension Limitation Equalized Assessed Valuation as calculated under this subsection (G)(3).

For purposes of this subsection (G)(3) the following terms shall have the following meanings:

"Budget Year": The school year for which general State aid is calculated and awarded under subsection (E).

"Base Tax Year": The property tax levy year used to calculate the Budget Year allocation of general State aid.

"Preceding Tax Year": The property tax levy year immediately preceding the Base Tax Year.

"Base Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Base Tax Year multiplied by the limiting rate as calculated by the County Clerk and defined in the Property Tax Extension Limitation Law.

"Preceding Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Preceding Tax Year multiplied by the Operating Tax Rate as defined in subsection (A).

"Extension Limitation Ratio": A numerical ratio, certified by the County Clerk, in which the numerator is the Base Tax Year's Tax Extension and the denominator is the Preceding Tax Year's Tax Extension.

"Operating Tax Rate": The operating tax rate as defined in subsection (A).

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the Equalized Assessed Valuation last used in the calculation of general State aid and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources under subsection (D).

Partial elementary unit districts created in accordance with Article 11E of this Code shall not be eligible for the adjustment in this subsection (G)(3) until the fifth year following the effective date of the reorganization.

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education

shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid. This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of the school district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid allocation, then for purposes of calculating the district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

(5) For school districts having a majority of their equalized assessed valuation in any county except Cook, DuPage, Kane, Lake, McHenry, or Will, if the amount of general State aid allocated to the school district for the 1999-2000 school year under the provisions of subsection (E), (H), and (J) of this Section is less than the amount of general State aid allocated to the district for the 1998-1999 school year under these subsections, then the general State aid of the district for the 1999-2000 school year only shall be increased by the difference between these amounts. The total payments made under this paragraph (5) shall not exceed $14,000,000. Claims shall be prorated if they exceed $14,000,000.

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. If the appropriation in any fiscal year for general State aid and supplemental general State aid is insufficient to pay the amounts required under the general State aid and supplemental general State aid calculations, then the State Board of Education shall ensure that each school district receives the full amount due for general State aid and the remainder of the appropriation shall be used for supplemental general State aid, which the State Board of Education shall calculate and pay to eligible districts on a prorated basis.

(1.5) This paragraph (1.5) applies only to those school years preceding the 2003-2004 school year. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 shall apply to supplemental general State aid grants for school years preceding the 2003-2004 school year that are paid in fiscal year 1999 or thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

(1.10) This paragraph (1.10) applies to the 2003-2004 school year and each school year thereafter. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall, for each fiscal year, be the low-income eligible pupil count as of July 1 of the immediately preceding fiscal year (as determined by the Department of Human Services based on the number of pupils who are eligible for at least one of the following low income programs: Medicaid, KidCare, TANF, or Food Stamps, excluding pupils who are eligible for services provided by the Department of Children and Family Services, averaged over the 2 immediately preceding fiscal years for fiscal year 2004 and over the 3 immediately preceding fiscal years for each fiscal year thereafter) divided by the Average Daily Attendance of the school district.

(2) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 1998-1999, 1999-2000, and 2000-2001 school years only:

(a) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for any school year shall be $800 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for the 1998-1999 school year shall be $1,100 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for the 1998-99 school year shall be $1,500 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of 60% or more, the grant for the 1998-99 school year shall be $1,900 multiplied by the low income eligible pupil count.

(e) For the 1999-2000 school year, the per pupil amount specified in subparagraphs (b), (c), and (d) immediately above shall be increased to $1,243, $1,600, and $2,000, respectively.

(f) For the 2000-2001 school year, the per pupil amounts specified in subparagraphs (b), (c), and (d) immediately above shall be $1,273, $1,640, and $2,050, respectively.

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year:

(a) For any school district with a Low Income Concentration Level of less than 10%, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 10% and less than 20%, the grant for each school year shall be $675 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be $1,330 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be $1,362 multiplied by the low income eligible pupil count.

(e) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for each school year shall be $1,680 multiplied by the low income eligible pupil count.

(f) For any school district with a Low Income Concentration Level of 60% or more, the grant for each school year shall be $2,080 multiplied by the low income eligible pupil count.

(2.10) Except as otherwise provided, supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2003-2004 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of 15% or less, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level greater than 15%, the grant for each school year shall be $294.25 added to the product of $2,700 and the square of the Low Income Concentration Level, all multiplied by the low income eligible pupil count.

For the 2003-2004 school year and each school year thereafter through the 2008-2009 school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2009-2010 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.66. For the 2010-2011 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.33. Notwithstanding the provisions of this paragraph to the contrary, if for any school year supplemental general State aid grants are prorated as provided in paragraph (1) of this subsection (H), then the grants under this paragraph shall be prorated.

For the 2003-2004 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.25 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.50 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.75 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the

grant received during the 2002-2003 school year.

(3) School districts with an Average Daily Attendance of more than 1,000 and less than 50,000 that qualify for supplemental general State aid pursuant to this subsection shall submit a plan to the State Board of Education prior to October 30 of each year for the use of the funds resulting from this grant of supplemental general State aid for the improvement of instruction in which priority is given to meeting the education needs of disadvantaged children. Such plan shall be submitted in accordance with rules and regulations promulgated by the State Board of Education.

(4) School districts with an Average Daily Attendance of 50,000 or more that qualify for supplemental general State aid pursuant to this subsection shall be required to distribute from funds available pursuant to this Section, no less than $261,000,000 in accordance with the following requirements:

(a) The required amounts shall be distributed to the attendance centers within the district in proportion to the number of pupils enrolled at each attendance center who are eligible to receive free or reduced-price lunches or breakfasts under the federal Child Nutrition Act of 1966 and under the National School Lunch Act during the immediately preceding school year.

(b) The distribution of these portions of supplemental and general State aid among attendance centers according to these requirements shall not be compensated for or contravened by adjustments of the total of other funds appropriated to any attendance centers, and the Board of Education shall utilize funding from one or several sources in order to fully implement this provision annually prior to the opening of school.

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical funds to which an attendance center is entitled under law in order that the general State aid and supplemental general State aid provided by application of this subsection supplements rather than supplants the noncategorical funds and other categorical funds provided by the school district to the attendance centers.

(d) Any funds made available under this subsection that by reason of the provisions of this subsection are not required to be allocated and provided to attendance centers may be used and appropriated by the board of the district for any lawful school purpose.

(e) Funds received by an attendance center pursuant to this subsection shall be used by the attendance center at the discretion of the principal and local school council for programs to improve educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial expenditures which supplement the regular and basic programs as determined by the State Board of Education. Funds provided shall not be expended for any political or lobbying purposes as defined by board rule.

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to meet the educational needs of disadvantaged children, in compliance with the requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

Upon notification by the State Board of Education that the district has not submitted a plan prior to July 15 or a modified plan within the time period specified herein, the State aid funds affected by that plan or modified plan shall be withheld by the State Board of Education until a plan or modified plan is submitted.

If the district fails to distribute State aid to attendance centers in accordance with an approved plan, the plan for the following year shall allocate funds, in addition to the funds otherwise required by this subsection, to those attendance centers which were underfunded during the previous year in amounts equal to such underfunding.

For purposes of determining compliance with this subsection in relation to the requirements of attendance center funding, each district subject to the provisions of this subsection shall submit as a separate document by December 1 of each year a report of expenditure data for the prior year in addition to any modification of its current plan. If it is determined that there has been a failure to comply with the expenditure provisions of this subsection regarding contravention or supplanting, the State Superintendent of Education shall, within 60 days of receipt of the report, notify the district and any affected local school council. The district shall within 45 days of receipt of that

notification inform the State Superintendent of Education of the remedial or corrective action to be taken, whether by amendment of the current plan, if feasible, or by adjustment in the plan for the following year. Failure to provide the expenditure report or the notification of remedial or corrective action in a timely manner shall result in a withholding of the affected funds.

The State Board of Education shall promulgate rules and regulations to implement the provisions of this subsection. No funds shall be released under this subdivision (H)(4) to any district that has not submitted a plan that has been approved by the State Board of Education.

(I) (Blank).

(J) Supplementary Grants in Aid.

(1) Notwithstanding any other provisions of this Section, the amount of the aggregate general State aid in combination with supplemental general State aid under this Section for which each school district is eligible shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-98 school year, pursuant to the provisions of that Section as it was then in effect, provided that the district, for the 2009-2010 school year through the 2012-2013 school year, also received a supplementary payment under this subsection (J) during the prior school year. If a school district qualifies to receive a supplementary payment made under this subsection (J), the amount of the aggregate general State aid in combination with supplemental general State aid under this Section which that district is eligible to receive for each school year shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect.

(2) If, as provided in paragraph (1) of this subsection (J), a school district is to receive aggregate general State aid in combination with supplemental general State aid under this Section for the 1998-99 school year and any subsequent school year that in any such school year is less than the amount of the aggregate general State aid entitlement that the district received for the 1997-98 school year, the school district shall also receive, from a separate appropriation made for purposes of this subsection (J), a supplementary payment that is equal to the amount of the difference in the aggregate State aid figures as described in paragraph (1), provided that the school district, for the 2009-2010 school year through the 2012-2013 school year, also received a supplementary payment under this subsection (J) during the prior school year. These supplementary payments shall be calculated as follows:

(a) For the 2009-2010 school year only, the Supplementary Grants in Aid shall be no more than 80% of the eligible amount under this subsection (J).

(b) For the 2010-2011 school year only, the Supplementary Grants in Aid shall be no more than 60% of the eligible amount under this subsection (J).

(c) For the 2011-2012 school year only, the Supplementary Grants in Aid shall be no more than 40% of the eligible amount under this subsection (J).

(d) For the 2012-2013 school year only, the Supplementary Grants in Aid shall be no more than 20% of the eligible amount under this subsection (J).

(e) For the 2013-2014 school year and every school year thereafter, no Supplementary Grants in Aid shall be made available under this subsection (J).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

In calculating the amount to be paid to the governing board of a public university that operates a laboratory school under this Section or to any alternative school that is operated by a regional superintendent of schools, the State Board of Education shall require by rule such reporting requirements as it deems necessary.

As used in this Section, "laboratory school" means a public school which is created and operated by a public university and approved by the State Board of Education. The governing board of a public university which receives funds from the State Board under this subsection (K) may not increase the number of students enrolled in its laboratory school from a single district, if that district is already sending 50 or more students, except under a mutual agreement between the school board of a student's district of residence and the university which operates the laboratory school. A laboratory school may not have more than 1,000 students, excluding students with disabilities in a special education program.

As used in this Section, "alternative school" means a public school which is created and operated by a

Regional Superintendent of Schools and approved by the State Board of Education. Such alternative schools may offer courses of instruction for which credit is given in regular school programs, courses to prepare students for the high school equivalency testing program or vocational and occupational training. A regional superintendent of schools may contract with a school district or a public community college district to operate an alternative school. An alternative school serving more than one educational service region may be established by the regional superintendents of schools of the affected educational service regions. An alternative school serving more than one educational service region may be operated under such terms as the regional superintendents of schools of those educational service regions may agree.

Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by month. The best 3 months' Average Daily Attendance shall be computed for each school. The general State aid entitlement shall be computed by multiplying the applicable Average Daily Attendance by the Foundation Level as determined under this Section.

(L) Payments, Additional Grants in Aid and Other Requirements.

(1) For a school district operating under the financial supervision of an Authority created under Article 34A, the general State aid otherwise payable to that district under this Section, but not the supplemental general State aid, shall be reduced by an amount equal to the budget for the operations of the Authority as certified by the Authority to the State Board of Education, and an amount equal to such reduction shall be paid to the Authority created for such district for its operating expenses in the manner provided in Section 18-11. The remainder of general State school aid for any such district shall be paid in accordance with Article 34A when that Article provides for a disposition other than that provided by this Article.

(2) (Blank).

(3) Summer school. Summer school payments shall be made as provided in Section 18-4.3.

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that of the 5 initial members appointed to serve on the Board, the member who is appointed as the chairperson shall serve for a term that commences on the date of his or her appointment and expires on the third Monday of January, 2002, and the remaining 4 members, by lots drawn at the first meeting of the Board that is held after all 5 members are appointed, shall determine 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2001, and 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2000. All members appointed to serve on the Board shall serve until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

The Education Funding Advisory Board shall be deemed established, and the initial members appointed by the Governor to serve as members of the Board shall take office, on the date that the Governor makes his or her appointment of the fifth initial member of the Board, whether those initial members are then serving pursuant to appointment and confirmation or pursuant to temporary appointments that are made by the Governor as in the case of vacancies.

The State Board of Education shall provide such staff assistance to the Education Funding Advisory Board as is reasonably required for the proper performance by the Board of its responsibilities.

For school years after the 2000-2001 school year, the Education Funding Advisory Board, in consultation with the State Board of Education, shall make recommendations as provided in this subsection (M) to the General Assembly for the foundation level under subdivision (B)(3) of this Section and for the supplemental general State aid grant level under subsection (H) of this Section for districts

with high concentrations of children from poverty. The recommended foundation level shall be determined based on a methodology which incorporates the basic education expenditures of low-spending schools exhibiting high academic performance. The Education Funding Advisory Board shall make such recommendations to the General Assembly on January 1 of odd numbered years, beginning January 1, 2001.

(N) (Blank).

(O) References.

(1) References in other laws to the various subdivisions of Section 18-8 as that Section existed before its repeal and replacement by this Section 18-8.05 shall be deemed to refer to the corresponding provisions of this Section 18-8.05, to the extent that those references remain applicable.

(2) References in other laws to State Chapter 1 funds shall be deemed to refer to the supplemental general State aid provided under subsection (H) of this Section.

(P) Public Act 93-838 and Public Act 93-808 make inconsistent changes to this Section. Under Section 6 of the Statute on Statutes there is an irreconcilable conflict between Public Act 93-808 and Public Act 93-838. Public Act 93-838, being the last acted upon, is controlling. The text of Public Act 93-838 is the law regardless of the text of Public Act 93-808.
(Source: P.A. 94-69, eff. 7-1-05; 94-438, eff. 8-4-05; 94-835, eff. 6-6-06; 94-1019, eff. 7-10-06; 94-1105, eff. 6-1-07; 95-331, eff. 8-21-07; 95-644, eff. 10-12-07; 95-707, eff. 1-11-08; 95-744, eff. 7-18-08; 95-903, eff. 8-25-08; revised 9-5-08.)

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 Koehler, **House Bill No. 3630** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 3635** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 3637** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 3642** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3642

AMENDMENT NO. 1. Amend House Bill 3642 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Section 12-4.7e as follows:
(305 ILCS 5/12-4.7e new)
Sec. 12-4.7e. Cross-Agency Medicaid Commission.
(a) The Cross-Agency Medicaid Commission is established to study ways for the State agencies named in paragraphs (1) through (4) of subsection (b) to coordinate activities and programs to maximize the amount of federal Medicaid matching funds paid to the State for goods and services provided to children and their families under programs administered by those agencies.
(b) The Commission shall consist of the following 8 members:
(1) The Director of Healthcare and Family Services or his or her designee; and a representative of vendors of goods or services to children or their families who are eligible for medical assistance under Article V of this Code or for benefits under any other program administered by the Department of Healthcare and Family Services for which federal Medicaid matching funds may be available.
(2) The Secretary of Human Services or his or her designee; and a representative of vendors of goods or services to children or their families who are eligible for benefits under any program

administered by the Department of Human Services for which federal Medicaid matching funds may be available.

(3) The Director of Children and Family Services or his or her designee; and a representative of vendors of goods or services to children or their families who are eligible for benefits under any program administered by the Department of Children and Family Services for which federal Medicaid matching funds may be available.

(4) The State Superintendent of Education or his or her designee; and a representative of vendors of goods or services to children or their families who are eligible for benefits under any program administered by the Illinois State Board of Education for which federal Medicaid matching funds may be available.

(c) The Director of Healthcare and Family Services shall serve as the Chair of the Commission. All members other than representatives of State agencies shall be appointed by the Governor no later than July 1, 2009 and shall serve without compensation. A quorum shall consist of 5 members. An affirmative vote of a majority of those members present and voting shall be necessary for Commission action. The Commission shall meet quarterly or more frequently at the call of the Chair.

(d) The Department of Human Services shall provide staff and support to the Commission.

(e) The Commission may release findings and recommendations at any time but at a minimum must observe the following schedule:

(1) The Commission must issue preliminary findings and recommendations to the General Assembly by July 1, 2010.

(2) The Commission must issue its final findings and recommendations to the General Assembly by December 31, 2011.

(f) This Section is repealed on January 1, 2012.

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 Silverstein, **House Bill No. 3649** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 3656** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 3663** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 3666** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **House Bill No. 3670** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 3672** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 3634** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 3647** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 3673** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Wilhelmi, **House Bill No. 3676** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 3681** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3681

AMENDMENT NO. 1. Amend House Bill 3681 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 16-106.3 as follows:
(625 ILCS 5/16-106.3 new)
Sec. 16-106.3. Erroneous appearance date. In any case alleging a violation of this Code or similar local ordinance which would be chargeable as a misdemeanor, a case shall not be dismissed due to an error by the arresting officer or the clerk of the court, or both, in setting a person's first appearance date, subject to the right of speedy trial provided under Section 103-5 of the Code of Criminal Procedure of 1963.".

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

On motion of Senator Harmon, **House Bill No. 3690** was taken up, read by title a second time.
Senate Floor Amendment No. 1 was held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Wilhelmi, **House Bill No. 3691** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bond, **House Bill No. 3716** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 3717** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3717

AMENDMENT NO. 1. Amend House Bill 3717 on page 3, by replacing line 25 with the following:

"(e) The warden, or his or her designee, may"; and

on page 4, line 3, by replacing "Cook County Sheriff" with "warden"; and

on page 4, line 4, by replacing "Cook County Sheriff" with "warden"; and

on page 4, line 11, by replacing "Cook County Sheriff" with "warden".

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

On motion of Senator Harmon, **House Bill No. 3718** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Wilhelmi, **House Bill No. 3723** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 3726** was taken up, read by title a second time and ordered to a third reading.

COMMITTEE MEETING ANNOUNCEMENT

The Chair announced that the Higher Education Committee will meet today, as previously scheduled, in Room 409, at 2:30 o'clock p.m.

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 Assignments:

Senate Floor Amendment No. 1 to House Bill 3649
Senate Floor Amendment No. 2 to House Bill 3922
Senate Floor Amendment No. 1 to House Bill 3994

At the hour of 2:22 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, May 13, 2009, at 9:00 o'clock a.m.