STATE OF ILLINOIS

HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-FIFTH GENERAL ASSEMBLY

25TH LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

TUESDAY, MARCH 13, 2007

12:07 O'CLOCK P.M.

NO. 25

HOUSE OF REPRESENTATIVES
Daily Journal Index
25th Legislative Day

The House met pursuant to adjournment.
Representative Hannig in the chair.
Prayer by Reverend David Deem, who is the Pastor of Lutheran Church of the Cross in Metropolis, IL.
Representative Lyons led the House in the Pledge of Allegiance.
By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:
116 present. (ROLL CALL 1)

By unanimous consent, Representative Patterson was excused from attendance.

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on March 13, 2007, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 3 to HOUSE BILL 378.
Amendment No. 1 to HOUSE BILL 499.
Amendment No. 2 to HOUSE BILL 1922.
Amendment No. 1 to HOUSE BILL 1926.
Amendment No. 1 to HOUSE BILL 3762.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Consumer Protection: HOUSE AMENDMENT No. 2 to HOUSE BILL 318.
Registration and Regulation: HOUSE AMENDMENT No. 1 to HOUSE BILL 129.
State Government Administration: HOUSE AMENDMENT No. 2 to HOUSE BILL 420.

LEGISLATIVE MEASURES REASSIGNED TO COMMITTEE:

HOUSE BILL 176 was recalled from the Committee on Agriculture & Conservation and reassigned to the Committee on Executive.

The committee roll call vote on the foregoing Legislative Measures is as follows:
3, Yeas; 0, Nays; 0, Answering Present.

Y Currie (D), Chairperson
A Hannig (D)
Y Turner (D)
Y Black (R), Republican Spokesperson
A Hassert (R)

MOTIONS SUBMITTED

Representative Chapa LaVia submitted the following written motion, which was placed on the order of Motions in Writing:

MOTION

Pursuant to Rule 60(b), I move to table HOUSE RESOLUTION 124.

Representative Acevedo submitted the following written motion, which was placed on the order of Motions in Writing:

MOTION

Pursuant to Rule 60(b), I move to table HOUSE BILL 1556.

Representative Chapa LaVia submitted the following written motion, which was placed on the order of Motions in Writing:

MOTION

Pursuant to Rule 60(b), I move to table HOUSE BILL 966.

Representative John Bradley submitted the following written motion, which was placed on the order of Motions in Writing:

MOTION

Pursuant to Rule 60(b), I move to table HOUSE BILL 564.

Representative John Bradley submitted the following written motion, which was placed on the order of Motions in Writing:

MOTION

Pursuant to Rule 60(b), I move to table HOUSE BILL 700.

FISCAL NOTES SUPPLIED

Fiscal Notes have been supplied for HOUSE BILL 318, as amended, 374, 429, 463, as amended, 652, 796, 820, 978, 985, as amended, 986, 1277, 1329, as amended, 1630, 1675, 1676 and 3433.

HOUSING AFFORDABILITY IMPACT NOTES SUPPLIED

Housing Affordability Impact Notes have been supplied for HOUSE BILL 1360, as amended, and 3433.

LAND CONVEYANCE APPRAISAL NOTE SUPPLIED

A Land Conveyance Appraisal Note has been supplied for HOUSE BILL 1716, as amended.

REQUEST FOR STATE MANDATES FISCAL NOTES

Representative Monique Davis requested that a State Mandates Fiscal Note be supplied for HOUSE BILLS 618 and 918.

REQUEST FOR HOME RULE NOTE

Representative Monique Davis requested that a Home Rule Note be supplied for HOUSE BILL 618.

REQUEST FOR JUDICIAL NOTES

Representative Monique Davis requested that a Judicial Note be supplied for HOUSE BILLS 618 and 918.

REQUEST FOR STATE DEBT IMPACT NOTES

Representative Monique Davis requested that a State Debt Impact Note be supplied for HOUSE BILLS 618 and 918.

REQUEST FOR FISCAL NOTE

Representative Monique Davis requested that a Fiscal Note be supplied for HOUSE BILL 918.

FISCAL NOTE REQUEST WITHDRAWN

Representative Pihos withdrew her request for a Fiscal Note on HOUSE BILL 652.

STATE DEBT IMPACT NOTE REQUEST WITHDRAWN

Representative Monique Davis withdrew her request for a State Debt Impact Note on HOUSE BILL 618.

JUDIDICAL NOTE REQUEST WITHDRAWN

Representative Monique Davis withdrew her request for a Judicial Note on HOUSE BILL 618.

HOME RULE NOTE REQUEST WITHDRAWN

Representative Monique Davis withdrew her request for a Home Rule on HOUSE BILL 618.

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 188

Offered by Representative Tryon:
Congratulates Deputy Chief Arthur Weber of the Algonquin Police Department on his retirement.

HOUSE RESOLUTION 190

Offered by Representative Coladipietro:
Congratulates Peter Silvestri on receiving the PACA Award from the Italian American Political Coalition.

HOUSE RESOLUTION 191

Offered by Representative Coladipietro:
Congratulates Bloomingdale native Captain Ken Madsen on being named Top Flight Lead of the 494th Expeditionary Fighter Squadron on their deployment to southwest Asia and on being named Wingman of the Year for the squadron.

HOUSE RESOLUTION 192

Offered by Representative Ryg:
Honors Frederick Byergo on his retirement as the Cook Memorial Public Library District Director.

HOUSE RESOLUTION 194

Offered by Representative McCarthy:
Congratulates the Tinley Park High School Cheerleading Team on being named the Illinois High School Association State Champions for 2007.

HOUSE RESOLUTION 195

Offered by Representative Reboletti:
Congratulates the City of Elmhurst on the 50th anniversary of the Elmhurst Historical Museum.

HOUSE RESOLUTION 196

Offered by Representative Reboletti:

Congratulates Richard Pellegrino on receiving the Lifetime Achievement Award from the Italian American Political Coalition.

HOUSE RESOLUTION 197

Offered by Representative Reboletti:

Congratulates Ken Bartels of Elmhurst on being named the recipient of the 56th Distinguished Service Award by the Elmhurst Jaycees.

HOUSE RESOLUTION 198

Offered by Representative Cross:

Congratulates Captain Nick Sikora, Officer Pat Wicyk, and Officer John Wolfinbarger of the Oswego Police Department on receiving Lifesaving Awards from the Oswego Village Board.

HOUSE RESOLUTION 201

Offered by Representative Mautino:

Congratulates Sergeant First Class Kenneth A. Buccafurri on his retirement from the United States Army.

HOUSE RESOLUTION 202

Offered by Representative Howard:

Mourns the death of Herbert Bias, Sr. of Chicago.

HOUSE BILLS ON SECOND READING

HOUSE BILL 34. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Judiciary II - Criminal Law, adopted and reproduced:

AMENDMENT NO. 1 . Amend House Bill 34 by replacing lines 13 through 15 with the following: "battery. A peace officer may arrest a person for violation of this Section if the officer has probable cause to believe that there is imminent danger of physical harm to the non-aggressor.

(b) Sentence. Domestic assault is a Class B misdemeanor. Domestic assault is a Class A misdemeanor if the defendant has any prior conviction for domestic assault, aggravated domestic assault, domestic damage to property, domestic battery, or aggravated domestic battery.

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-3.2 as follows:

(730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

Sec. 5-5-3.2. Factors in Aggravation.

(a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1:

(1) the defendant's conduct caused or threatened serious harm;

(2) the defendant received compensation for committing the offense;

(3) the defendant has a history of prior delinquency or criminal activity;

(4) the defendant, by the duties of his office or by his position, was obliged to prevent the particular offense committed or to bring the offenders committing it to justice;

(5) the defendant held public office at the time of the offense, and the offense related to the conduct of that office;

(6) the defendant utilized his professional reputation or position in the community to commit the offense, or to afford him an easier means of committing it;

(7) the sentence is necessary to deter others from committing the same crime;

(8) the defendant committed the offense against a person 60 years of age or older or such person's property;

(9) the defendant committed the offense against a person who is physically handicapped or such person's property;

(10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" means heterosexuality, homosexuality, or bisexuality;

(11) the offense took place in a place of worship or on the grounds of a place of worship, immediately prior to, during or immediately following worship services. For purposes of this subparagraph, "place of worship" shall mean any church, synagogue or other building, structure or place used primarily for religious worship;

(12) the defendant was convicted of a felony committed while he was released on bail or his own recognizance pending trial for a prior felony and was convicted of such prior felony, or the defendant was convicted of a felony committed while he was serving a period of probation, conditional discharge, or mandatory supervised release under subsection (d) of Section 5-8-1 for a prior felony;

(13) the defendant committed or attempted to commit a felony while he was wearing a bulletproof vest. For the purposes of this paragraph (13), a bulletproof vest is any device which is designed for the purpose of protecting the wearer from bullets, shot or other lethal projectiles;

(14) the defendant held a position of trust or supervision such as, but not limited to, family member as defined in Section 12-12 of the Criminal Code of 1961, teacher, scout leader, baby sitter, or day care worker, in relation to a victim under 18 years of age, and the defendant committed an offense in violation of Section 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 against that victim;

(15) the defendant committed an offense related to the activities of an organized gang. For the purposes of this factor, "organized gang" has the meaning ascribed to it in Section 10 of the Streetgang Terrorism Omnibus Prevention Act;

(16) the defendant committed an offense in violation of one of the following Sections while in a school, regardless of the time of day or time of year; on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity; on the real property of a school; or on a public way within 1,000 feet of the real property comprising any school: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(16.5) the defendant committed an offense in violation of one of the following Sections while in a day care center, regardless of the time of day or time of year; on the real property of a day care center, regardless of the time of day or time of year; or on a public way within 1,000 feet of the real property comprising any day care center, regardless of the time of day or time of year: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(17) the defendant committed the offense by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961;

(18) the defendant committed the offense in a nursing home or on the real property comprising a nursing home. For the purposes of this paragraph (18), "nursing home" means a skilled nursing or intermediate long term care facility that is subject to license by the Illinois Department of Public Health under the Nursing Home Care Act;

(19) the defendant was a federally licensed firearm dealer and was previously convicted of a violation of subsection (a) of Section 3 of the Firearm Owners Identification Card Act and has now committed either a felony violation of the Firearm Owners Identification Card Act or an act of armed violence while armed with a firearm;

(20) the defendant (i) committed the offense of reckless homicide under Section 9-3 of the Criminal Code of 1961 or the offense of driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) was operating a motor vehicle in excess

of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code; ~~or~~

(21) the defendant (i) committed the offense of reckless driving or aggravated reckless driving under Section 11-503 of the Illinois Vehicle Code and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code; or ~~.~~

(22) the defendant committed domestic assault and has a prior conviction for domestic assault, aggravated domestic assault, domestic damage to property, domestic battery, or aggravated domestic battery.

For the purposes of this Section:

"School" is defined as a public or private elementary or secondary school, community college, college, or university.

"Day care center" means a public or private State certified and licensed day care center as defined in Section 2.09 of the Child Care Act of 1969 that displays a sign in plain view stating that the property is a day care center.

(b) The following factors may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 upon any offender:

(1) When a defendant is convicted of any felony, after having been previously convicted in Illinois or any other jurisdiction of the same or similar class felony or greater class felony, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(2) When a defendant is convicted of any felony and the court finds that the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(3) When a defendant is convicted of voluntary manslaughter, second degree murder, involuntary manslaughter or reckless homicide in which the defendant has been convicted of causing the death of more than one individual; or

(4) When a defendant is convicted of any felony committed against:

(i) a person under 12 years of age at the time of the offense or such person's property;

(ii) a person 60 years of age or older at the time of the offense or such person's property; or

(iii) a person physically handicapped at the time of the offense or such person's property; or

(5) In the case of a defendant convicted of aggravated criminal sexual assault or criminal sexual assault, when the court finds that aggravated criminal sexual assault or criminal sexual assault was also committed on the same victim by one or more other individuals, and the defendant voluntarily participated in the crime with the knowledge of the participation of the others in the crime, and the commission of the crime was part of a single course of conduct during which there was no substantial change in the nature of the criminal objective; or

(6) When a defendant is convicted of any felony and the offense involved any of the following types of specific misconduct committed as part of a ceremony, rite, initiation, observance, performance, practice or activity of any actual or ostensible religious, fraternal, or social group:

(i) the brutalizing or torturing of humans or animals;

(ii) the theft of human corpses;

(iii) the kidnapping of humans;

(iv) the desecration of any cemetery, religious, fraternal, business, governmental, educational, or other building or property; or

(v) ritualized abuse of a child; or

(7) When a defendant is convicted of first degree murder, after having been previously convicted in Illinois of any offense listed under paragraph (c)(2) of Section 5-5-3, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(8) When a defendant is convicted of a felony other than conspiracy and the court finds that the felony was committed under an agreement with 2 or more other persons to commit that offense and the defendant, with respect to the other individuals, occupied a position of organizer, supervisor, financier, or any other position of management or leadership, and the court further finds that the felony committed was related to or in furtherance of the criminal activities of an organized gang or was

motivated by the defendant's leadership in an organized gang; or

(9) When a defendant is convicted of a felony violation of Section 24-1 of the Criminal Code of 1961 and the court finds that the defendant is a member of an organized gang; or

(10) When a defendant committed the offense using a firearm with a laser sight attached to it. For purposes of this paragraph (10), "laser sight" has the meaning ascribed to it in Section 24.6-5 of the Criminal Code of 1961; or

(11) When a defendant who was at least 17 years of age at the time of the commission of the offense is convicted of a felony and has been previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a Class X or Class 1 felony when the conviction has occurred within 10 years after the previous adjudication, excluding time spent in custody; or

(12) When a defendant commits an offense involving the illegal manufacture of a controlled substance under Section 401 of the Illinois Controlled Substances Act, the illegal manufacture of methamphetamine under Section 25 of the Methamphetamine Control and Community Protection Act, or the illegal possession of explosives and an emergency response officer in the performance of his or her duties is killed or injured at the scene of the offense while responding to the emergency caused by the commission of the offense. In this paragraph (12), "emergency" means a situation in which a person's life, health, or safety is in jeopardy; and "emergency response officer" means a peace officer, community policing volunteer, fireman, emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, other medical assistance or first aid personnel, or hospital emergency room personnel; or

(13) When a defendant commits any felony and the defendant used, possessed, exercised control over, or otherwise directed an animal to assault a law enforcement officer engaged in the execution of his or her official duties or in furtherance of the criminal activities of an organized gang in which the defendant is engaged.

(b-1) For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child under subsection (a)(1) of Section 12-14.1 of the Criminal Code of 1961 where the victim was under 18 years of age at the time of the commission of the offense.

(d) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of unlawful use of weapons under Section 24-1 of the Criminal Code of 1961 for possessing a weapon that is not readily distinguishable as one of the weapons enumerated in Section 24-1 of the Criminal Code of 1961.

(Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556, eff. 9-11-05; 94-819, eff. 5-31-06.)".

AMENDMENT NO. 2. Amend House Bill 34, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, by inserting immediately below line 11 the following:

"(c) This Section does not apply to a parent or guardian while exercising parental discipline over a child under his or her custody.".

There being no further amendments, the foregoing Amendments No. 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 35. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 35 by replacing lines 16 through 19 with the following:

"Code of Criminal Procedure of 1963. A peace officer may arrest a person for violation of this Section if the officer has probable cause to believe that there is imminent danger of physical harm to the non-aggressor.

(b) Sentence. Aggravated domestic assault is a Class A misdemeanor. Aggravated domestic assault is a Class 4 felony if the defendant has any prior conviction for domestic assault, aggravated domestic assault, domestic damage to property, domestic battery, or aggravated domestic battery.

(c) This Section does not apply to a parent or guardian while exercising parental discipline over a child under his or her custody.

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-3.2 as follows:

(730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

Sec. 5-5-3.2. Factors in Aggravation.

(a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1:

(1) the defendant's conduct caused or threatened serious harm;

(2) the defendant received compensation for committing the offense;

(3) the defendant has a history of prior delinquency or criminal activity;

(4) the defendant, by the duties of his office or by his position, was obliged to prevent the particular offense committed or to bring the offenders committing it to justice;

(5) the defendant held public office at the time of the offense, and the offense related to the conduct of that office;

(6) the defendant utilized his professional reputation or position in the community to commit the offense, or to afford him an easier means of committing it;

(7) the sentence is necessary to deter others from committing the same crime;

(8) the defendant committed the offense against a person 60 years of age or older or such person's property;

(9) the defendant committed the offense against a person who is physically handicapped or such person's property;

(10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" means heterosexuality, homosexuality, or bisexuality;

(11) the offense took place in a place of worship or on the grounds of a place of worship, immediately prior to, during or immediately following worship services. For purposes of this subparagraph, "place of worship" shall mean any church, synagogue or other building, structure or place used primarily for religious worship;

(12) the defendant was convicted of a felony committed while he was released on bail or his own recognizance pending trial for a prior felony and was convicted of such prior felony, or the defendant was convicted of a felony committed while he was serving a period of probation, conditional discharge, or mandatory supervised release under subsection (d) of Section 5-8-1 for a prior felony;

(13) the defendant committed or attempted to commit a felony while he was wearing a bulletproof vest. For the purposes of this paragraph (13), a bulletproof vest is any device which is designed for the purpose of protecting the wearer from bullets, shot or other lethal projectiles;

(14) the defendant held a position of trust or supervision such as, but not limited to, family member as defined in Section 12-12 of the Criminal Code of 1961, teacher, scout leader, baby sitter, or day care worker, in relation to a victim under 18 years of age, and the defendant committed an offense in violation of Section 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 against that victim;

(15) the defendant committed an offense related to the activities of an organized gang. For the purposes of this factor, "organized gang" has the meaning ascribed to it in Section 10 of the Streetgang Terrorism Omnibus Prevention Act;

(16) the defendant committed an offense in violation of one of the following Sections while in a school, regardless of the time of day or time of year; on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity; on the real property of a school; or on a public way within 1,000 feet of the real property comprising any school: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(16.5) the defendant committed an offense in violation of one of the following Sections while in a day care center, regardless of the time of day or time of year; on the real property of a day care center, regardless of the time of day or time of year; or on a public way within 1,000 feet of the real property comprising any day care center, regardless of the time of day or time of year: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1,

12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(17) the defendant committed the offense by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961;

(18) the defendant committed the offense in a nursing home or on the real property comprising a nursing home. For the purposes of this paragraph (18), "nursing home" means a skilled nursing or intermediate long term care facility that is subject to license by the Illinois Department of Public Health under the Nursing Home Care Act;

(19) the defendant was a federally licensed firearm dealer and was previously convicted of a violation of subsection (a) of Section 3 of the Firearm Owners Identification Card Act and has now committed either a felony violation of the Firearm Owners Identification Card Act or an act of armed violence while armed with a firearm;

(20) the defendant (i) committed the offense of reckless homicide under Section 9-3 of the Criminal Code of 1961 or the offense of driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code; ~~or~~

(21) the defendant (i) committed the offense of reckless driving or aggravated reckless driving under Section 11-503 of the Illinois Vehicle Code and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code; or ~~.~~

(22) the defendant committed aggravated domestic assault and has a prior conviction for domestic assault, aggravated domestic assault, domestic damage to property, domestic battery, or aggravated domestic battery.

For the purposes of this Section:

"School" is defined as a public or private elementary or secondary school, community college, college, or university.

"Day care center" means a public or private State certified and licensed day care center as defined in Section 2.09 of the Child Care Act of 1969 that displays a sign in plain view stating that the property is a day care center.

(b) The following factors may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 upon any offender:

(1) When a defendant is convicted of any felony, after having been previously convicted in Illinois or any other jurisdiction of the same or similar class felony or greater class felony, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(2) When a defendant is convicted of any felony and the court finds that the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(3) When a defendant is convicted of voluntary manslaughter, second degree murder, involuntary manslaughter or reckless homicide in which the defendant has been convicted of causing the death of more than one individual; or

(4) When a defendant is convicted of any felony committed against:

(i) a person under 12 years of age at the time of the offense or such person's property;

(ii) a person 60 years of age or older at the time of the offense or such person's property; or

(iii) a person physically handicapped at the time of the offense or such person's property; or

(5) In the case of a defendant convicted of aggravated criminal sexual assault or criminal sexual assault, when the court finds that aggravated criminal sexual assault or criminal sexual assault was also committed on the same victim by one or more other individuals, and the defendant voluntarily participated in the crime with the knowledge of the participation of the others in the crime, and the commission of the crime was part of a single course of conduct during which there was no substantial change in the nature of the criminal objective; or

(6) When a defendant is convicted of any felony and the offense involved any of the

following types of specific misconduct committed as part of a ceremony, rite, initiation, observance, performance, practice or activity of any actual or ostensible religious, fraternal, or social group:

(i) the brutalizing or torturing of humans or animals;

(ii) the theft of human corpses;

(iii) the kidnapping of humans;

(iv) the desecration of any cemetery, religious, fraternal, business, governmental, educational, or other building or property; or

(v) ritualized abuse of a child; or

(7) When a defendant is convicted of first degree murder, after having been previously convicted in Illinois of any offense listed under paragraph (c)(2) of Section 5-5-3, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(8) When a defendant is convicted of a felony other than conspiracy and the court finds that the felony was committed under an agreement with 2 or more other persons to commit that offense and the defendant, with respect to the other individuals, occupied a position of organizer, supervisor, financier, or any other position of management or leadership, and the court further finds that the felony committed was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's leadership in an organized gang; or

(9) When a defendant is convicted of a felony violation of Section 24-1 of the Criminal Code of 1961 and the court finds that the defendant is a member of an organized gang; or

(10) When a defendant committed the offense using a firearm with a laser sight attached to it. For purposes of this paragraph (10), "laser sight" has the meaning ascribed to it in Section 24.6-5 of the Criminal Code of 1961; or

(11) When a defendant who was at least 17 years of age at the time of the commission of the offense is convicted of a felony and has been previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a Class X or Class 1 felony when the conviction has occurred within 10 years after the previous adjudication, excluding time spent in custody; or

(12) When a defendant commits an offense involving the illegal manufacture of a controlled substance under Section 401 of the Illinois Controlled Substances Act, the illegal manufacture of methamphetamine under Section 25 of the Methamphetamine Control and Community Protection Act, or the illegal possession of explosives and an emergency response officer in the performance of his or her duties is killed or injured at the scene of the offense while responding to the emergency caused by the commission of the offense. In this paragraph (12), "emergency" means a situation in which a person's life, health, or safety is in jeopardy; and "emergency response officer" means a peace officer, community policing volunteer, fireman, emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, other medical assistance or first aid personnel, or hospital emergency room personnel; or

(13) When a defendant commits any felony and the defendant used, possessed, exercised control over, or otherwise directed an animal to assault a law enforcement officer engaged in the execution of his or her official duties or in furtherance of the criminal activities of an organized gang in which the defendant is engaged.

(b-1) For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child under subsection (a)(1) of Section 12-14.1 of the Criminal Code of 1961 where the victim was under 18 years of age at the time of the commission of the offense.

(d) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of unlawful use of weapons under Section 24-1 of the Criminal Code of 1961 for possessing a weapon that is not readily distinguishable as one of the weapons enumerated in Section 24-1 of the Criminal Code of 1961.

(Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556, eff. 9-11-05; 94-819, eff. 5-31-06.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 30 and 42.

HOUSE BILL 29. Having been recalled on March 2, 2007, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

HOUSE BILL 17. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Disability Services, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 17 as follows:
on page 1, lines 15 and 16, by replacing "Further assessment and referral" with "Referral"; and
on page 1, line 18, by deleting "for referral"; and
on page 1, line 20, after "time.", by inserting "This Section does not require that the Department maintain an individual in a Department facility who is otherwise eligible for discharge as provided in the Mental Health and Developmental Disabilities Code.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 18. Having been recalled on February 21, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Lang offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 18 on page 2, line 13, after the period, by inserting the following:
"Each school district must communicate its policy on bullying to its students and their parent or guardian on an annual basis.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

HOUSE BILL 156. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 156 on page 3, by replacing lines 20 and 21 with the following:
"operate, manage, be employed by, or be associated with any county fair when".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 170. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 170, on page 7, by replacing lines 5 through 18 with the following:
"(730 ILCS 5/5-9-1.14 new)
Sec. 5-9-1.14. Additional child pornography fines. In addition to any other penalty imposed, a fine of

$500 shall be imposed upon a person convicted of child pornography under Section 11-20.1 of the Criminal Code of 1961. Such additional fine shall be assessed by the court imposing sentence and shall be collected by the circuit clerk. Of this fee, $5 shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court to be used to offset the costs incurred by the Circuit Court Clerk in performing the additional duties required to collect and disburse funds to entities of State and local government as provided by law. Each such additional fine shall be remitted by the Circuit Court Clerk within one month after receipt to the unit of local government whose law enforcement officers investigated the case that gave rise to the conviction of the defendant for child pornography.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 200.

HOUSE BILL 215. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 215 as follows:
on page 2, line 2, after "capacity", by inserting "; the owner or operator of a livestock waste handling facility constructed with concrete with a design capacity of less than 300 animal units may demonstrate to the Department that a reduced storage volume, not less than 60 days, is feasible due to (i) the availability of land application areas that can receive manure at agronomic rates or (ii) another manure disposal method is proposed that will allow for the reduced manure storage design capacity; the Department shall evaluate the proposal and determine whether a reduced manure storage design capacity is appropriate for the site"; and
on page 3, line 2, by replacing "3 ~~6~~" with "6"; and
on page 3, line 3, after "capacity", by inserting ". The owner or operator of a livestock waste handling facility holding solid livestock waste with a design capacity of less than 300 animal units may demonstrate to the Department that a reduced storage volume, not less than 2 months, is feasible due to (i) the availability of land application areas that can receive manure at agronomic rates or (ii) another manure disposal method is proposed that will allow for the reduced storage design capacity. The Department shall evaluate the proposal and determine whether a reduced manure storage design capacity is appropriate for the site".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 222, 237 and 260.

HOUSE BILL 262. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Drivers Education & Safety, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 262 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 6-107.1 as follows:

(625 ILCS 5/6-107.1)

Sec. 6-107.1. Instruction permit for a minor.

(a) Subject to subsection (d), the ~~The~~ Secretary of State, upon receiving proper application and payment of the required fee, may issue an instruction permit to any person under the age of 18 years who is not ineligible for a license under paragraphs 1, 3, 4, 5, 7, or 8 of Section 6-103, after the applicant has

successfully passed such examination as the Secretary of State in his discretion may prescribe.

(1) An instruction permit issued under this Section shall be valid for a period of 24 months after the date of its issuance and shall be restricted, by the Secretary of State, to the operation of a motor vehicle by the minor only when accompanied by the adult instructor of a driver education program during enrollment in the program or when practicing with a parent, legal guardian, family member, or a person in loco parentis who is 21 years of age or more, has a license classification to operate such vehicle and at least one year of driving experience, and who is occupying a seat beside the driver.

(2) A 24 month instruction permit for a motor driven cycle may be issued to a person 16 or 17 years of age and entitles the holder to drive upon the highways during daylight under direct supervision of a licensed motor driven cycle operator or motorcycle operator 21 years of age or older who has a license classification to operate such motor driven cycle or motorcycle and at least one year of driving experience.

(3) A 24 month instruction permit for a motorcycle other than a motor driven cycle may be issued to a person 16 or 17 years of age in accordance with the provisions of paragraph 2 of Section 6-103 and entitles a holder to drive upon the highways during daylight under the direct supervision of a licensed motorcycle operator 21 years of age or older who has at least one year of driving experience.

(b) An instruction permit issued under this Section when issued to a person under the age of 17 years shall, as a matter of law, be invalid for the operation of any motor vehicle during the same time the child is prohibited from being on any street or highway under the provisions of the Child Curfew Act.

(b-1) No instruction permit shall be issued to any applicant who is under the age of 18 years and who has been certified to be a chronic or habitual truant, as defined in Section 26-2a of the School Code.

An applicant under the age of 18 years who provides proof that he or she has resumed regular school attendance or that his or her application was denied in error shall be eligible to receive an instruction permit if other requirements are met. The Secretary shall adopt rules for implementing this subsection (b-1).

(c) Any person under the age of 16 years who possesses an instruction permit and whose driving privileges have been suspended or revoked under the provisions of this Code shall not be granted a Family Financial Responsibility Driving Permit or a Restricted Driving Permit.

(d) The Secretary of State may require a random drug test and may not issue an instruction permit to a person under the age of 18 if the person tested positive for the presence of any controlled substances or cannabis.

A person who has tested positive for controlled substances or cannabis may be issued an instruction permit if he or she is tested at a later date and tests negative for any controlled substances or cannabis.

The Secretary shall adopt rules for implementing this subsection (d). The Secretary shall prescribe a fee, to be added to the fees charged for a license issued to a new driver, to cover the cost of this testing.
(Source: P.A. 94-916, eff. 7-1-07.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 286. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 286 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 11-5-1.5 as follows:

(65 ILCS 5/11-5-1.5)

Sec. 11-5-1.5. Adult entertainment facility. It is prohibited within a municipality to locate an adult entertainment facility within 1,000 feet of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, and place of religious worship.

For the purposes of this Section, "adult entertainment facility" means (i) a striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions or (ii) an adult bookstore or adult video store in which 25% or more of its stock-in-trade, books, magazines, and films for sale, exhibition, or viewing on-premises are sexually explicit material ~~whose primary business is the commercial sale, dissemination, or distribution of sexually~~

~~explicit material, shows, or other exhibitions.~~
(Source: P.A. 90-394, eff. 1-1-98; 90-634, eff. 7-24-98.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 293.

HOUSE BILL 297. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 297 by replacing everything after the enacting clause with the following:

"Section 5. The Wildlife Code is amended by changing Sections 2.30, 2.33, 2.36, 3.5, 3.25, 3.33, and 3.35 and by adding Sections 1.2y, 1.2z, and 3.26 as follows:

(520 ILCS 5/1.2y new)

Sec. 1.2y. "Hound running" means pursuing any fox, coyote, raccoon, or rabbit with a hound.

(520 ILCS 5/1.2z new)

Sec. 1.2z. "Authorized species" means any fox, coyote, raccoon, or rabbit associated with a hound running area.

(520 ILCS 5/2.30) (from Ch. 61, par. 2.30)

Sec. 2.30. It shall be unlawful for any person to trap or to hunt with gun, dog, dog and gun, or bow and arrow, gray fox, red fox, raccoon, weasel, mink, muskrat, badger, and opossum except during the open season which will be set annually by the Director between 12:01 a.m., November 1 to 12:00 midnight, February 15, both inclusive.

It is unlawful for any person to take bobcat or river otter in this State at any time.

It is unlawful to pursue any fur-bearing mammal with a dog or dogs between the hours of sunset and sunrise during the 10 day period preceding the opening date of the raccoon hunting season and the 10 day period following the closing date of the raccoon hunting season except that the Department may issue field trial permits in accordance with Section 2.34 of this Act. A non-resident from a state with more restrictive fur-bearer pursuit regulations for any particular species than provided for that species in this Act may not pursue that species in Illinois except during the period of time that Illinois residents are allowed to pursue that species in the non-resident's state of residence. Hound running areas ~~Fenced fox hound training enclosures~~ approved by the Department shall be exempt from the provisions of this Section.

It shall be unlawful to take beaver, weasel, mink or muskrat except during the open season set annually by the Director, and then, only with traps.

It shall be unlawful for any person to trap beaver with traps except during the open season which will be set annually by the Director between 12:01 a.m., November 1st and 12:00 midnight, March 31.

Coyote may be taken by trapping methods only during the period from September 1 to March 1, both inclusive, and by hunting methods at any time.

Striped skunk may be taken by trapping methods only during the period from September 1 to March 1, both inclusive, and by hunting methods at any time.

For the purpose of taking fur-bearing mammals, the State may be divided into management zones by administrative rule.

The provisions of this Section are subject to modification by administrative rule.
(Source: P.A. 89-341, eff. 8-17-95.)

(520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

Sec. 2.33. Prohibitions.

(a) It is unlawful to carry or possess any gun in any State refuge unless otherwise permitted by administrative rule.

(b) It is unlawful to use or possess any snare or snare-like device, deadfall, net, or pit trap to take any species, except that snares not powered by springs or other mechanical devices may be used to trap fur-bearing mammals, in water sets only, if at least one-half of the snare noose is located underwater at all

times.

(c) It is unlawful for any person at any time to take a wild mammal protected by this Act from its den by means of any mechanical device, spade, or digging device or to use smoke or other gases to dislodge or remove such mammal except as provided in Section 2.37.

(d) It is unlawful to use a ferret or any other small mammal which is used in the same or similar manner for which ferrets are used for the purpose of frightening or driving any mammals from their dens or hiding places.

(e) (Blank).

(f) It is unlawful to use spears, gigs, hooks or any like device to take any species protected by this Act.

(g) It is unlawful to use poisons, chemicals or explosives for the purpose of taking any species protected by this Act.

(h) It is unlawful to hunt adjacent to or near any peat, grass, brush or other inflammable substance when it is burning.

(i) It is unlawful to take, pursue or intentionally harass or disturb in any manner any wild birds or mammals by use or aid of any vehicle or conveyance, except as permitted by the Code of Federal Regulations for the taking of waterfowl. It is also unlawful to use the lights of any vehicle or conveyance or any light from or any light connected to the vehicle or conveyance in any area where wildlife may be found except in accordance with Section 2.37 of this Act; however, nothing in this Section shall prohibit the normal use of headlamps for the purpose of driving upon a roadway. Striped skunk, opossum, red fox, gray fox, raccoon and coyote may be taken during the open season by use of a small light which is worn on the body or hand-held by a person on foot and not in any vehicle.

(j) It is unlawful to use any shotgun larger than 10 gauge while taking or attempting to take any of the species protected by this Act.

(k) It is unlawful to use or possess in the field any shotgun shell loaded with a shot size larger than lead BB or steel T (.20 diameter) when taking or attempting to take any species of wild game mammals (excluding white-tailed deer), wild game birds, migratory waterfowl or migratory game birds protected by this Act, except white-tailed deer as provided for in Section 2.26 and other species as provided for by subsection (l) or administrative rule.

(l) It is unlawful to take any species of wild game, except white-tailed deer, with a shotgun loaded with slugs unless otherwise provided for by administrative rule.

(m) It is unlawful to use any shotgun capable of holding more than 3 shells in the magazine or chamber combined, except on game breeding and hunting preserve areas licensed under Section 3.27 and except as permitted by the Code of Federal Regulations for the taking of waterfowl. If the shotgun is capable of holding more than 3 shells, it shall, while being used on an area other than a game breeding and shooting preserve area licensed pursuant to Section 3.27, be fitted with a one piece plug that is irremovable without dismantling the shotgun or otherwise altered to render it incapable of holding more than 3 shells in the magazine and chamber, combined.

(n) It is unlawful for any person, except persons who possess a permit to hunt from a vehicle as provided in this Section and persons otherwise permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case, except that at field trials authorized by Section 2.34 of this Act, unloaded guns or guns loaded with blank cartridges only, may be carried on horseback while not contained in a case, or to have or carry any bow or arrow device in or on any vehicle unless such bow or arrow device is unstrung or enclosed in a case, or otherwise made inoperable.

(o) It is unlawful to use any crossbow for the purpose of taking any wild birds or mammals, except as provided for in Section 2.33.

(p) It is unlawful to take game birds, migratory game birds or migratory waterfowl with a rifle, pistol, revolver or airgun.

(q) It is unlawful to fire a rifle, pistol, revolver or airgun on, over or into any waters of this State, including frozen waters.

(r) It is unlawful to discharge any gun or bow and arrow device along, upon, across, or from any public right-of-way or highway in this State.

(s) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun.

(t) It is unlawful for any person to trap or hunt, or intentionally or wantonly allow a dog to hunt, within or upon the land of another, or upon waters flowing over or standing on the land of another, without first obtaining permission from the owner or tenant. It shall be prima facie evidence that a person does not have

permission of the owner or tenant if the person is unable to demonstrate to the law enforcement officer in the field that permission had been obtained. This provision may only be rebutted by testimony of the owner or tenant that permission had been given. Before enforcing this Section the law enforcement officer must have received notice from the owner or tenant of a violation of this Section. Statements made to the law enforcement officer regarding this notice shall not be rendered inadmissible by the hearsay rule when offered for the purpose of showing the required notice.

(u) It is unlawful for any person to discharge any firearm for the purpose of taking any of the species protected by this Act, or hunt with gun or dog, or intentionally or wantonly allow a dog to hunt, within 300 yards of an inhabited dwelling without first obtaining permission from the owner or tenant, except that while trapping, hunting with bow and arrow, hunting with dog and shotgun using shot shells only, or hunting with shotgun using shot shells only, or on licensed game breeding and hunting preserve areas, as defined in Section 3.27, on property operated under a Migratory Waterfowl Hunting Area Permit, on federally owned and managed lands and on Department owned, managed, leased or controlled lands, a 100 yard restriction shall apply.

(v) It is unlawful for any person to remove fur-bearing mammals from, or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so.

(w) It is unlawful for any owner of a dog to knowingly or wantonly allow his or her dog to pursue, harass or kill deer, except that nothing in this Section shall prohibit the tracking of wounded deer with a dog in accordance with the provisions of Section 2.26 of this Code.

(x) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in hunting or trapping thereon.

(y) It is unlawful to hunt wild game protected by this Act between one half hour after sunset and one half hour before sunrise, except that hunting hours between one half hour after sunset and one half hour before sunrise may be established by administrative rule for fur-bearing mammals.

(z) It is unlawful to take any game bird (excluding wild turkeys and crippled pheasants not capable of normal flight and otherwise irretrievable) protected by this Act when not flying. Nothing in this Section shall prohibit a person from carrying an uncased, unloaded shotgun in a boat, while in pursuit of a crippled migratory waterfowl that is incapable of normal flight, for the purpose of attempting to reduce the migratory waterfowl to possession, provided that the attempt is made immediately upon downing the migratory waterfowl and is done within 400 yards of the blind from which the migratory waterfowl was downed. This exception shall apply only to migratory game birds that are not capable of normal flight. Migratory waterfowl that are crippled may be taken only with a shotgun as regulated by subsection (j) of this Section using shotgun shells as regulated in subsection (k) of this Section.

(aa) It is unlawful to use or possess any device that may be used for tree climbing or cutting, while hunting fur-bearing mammals.

(bb) It is unlawful for any person, except licensed game breeders, pursuant to Section 2.29 to import, carry into, or possess alive in this State any species of wildlife taken outside of this State, without obtaining permission to do so from the Director.

(cc) It is unlawful for any person to have in his or her possession any freshly killed species protected by this Act during the season closed for taking.

(dd) It is unlawful to take any species protected by this Act and retain it alive except as provided by administrative rule.

(ee) It is unlawful to possess any rifle while in the field during gun deer season except as provided in Section 2.26 and administrative rules.

(ff) It is unlawful for any person to take any species protected by this Act, except migratory waterfowl, during the gun deer hunting season in those counties open to gun deer hunting, unless he or she wears, when in the field, a cap and upper outer garment of a solid blaze orange color, with such articles of clothing displaying a minimum of 400 square inches of blaze orange material.

(gg) It is unlawful during the upland game season for any person to take upland game with a firearm unless he or she wears, while in the field, a cap of solid blaze orange color. For purposes of this Act, upland game is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern Cottontail and Swamp Rabbit.

(hh) It shall be unlawful to kill or cripple any species protected by this Act for which there is a daily bag limit without making a reasonable effort to retrieve such species and include such in the daily bag limit.

(ii) This Section shall apply only to those species protected by this Act taken within the State. Any species or any parts thereof, legally taken in and transported from other states or countries, may be possessed within the State, except as provided in this Section and Sections 2.35, 2.36 and 3.21.

(jj) Nothing contained in this Section shall prohibit the use of bow and arrow, or prevent the Director from issuing permits to use a crossbow to handicapped persons as provided by administrative rule. As used herein, "handicapped persons" means those persons who have a permanent physical impairment due to injury or disease, congenital or acquired, which renders them so severely disabled as to be unable to use a conventional bow and arrow device. Permits will be issued only after the receipt of a physician's statement confirming the applicant is handicapped as defined above.

(kk) Nothing contained in this Section shall prohibit the Director from issuing permits to paraplegics or to other disabled persons who meet the requirements set forth in administrative rule to shoot or hunt from a vehicle as provided by that rule, provided that such is otherwise in accord with this Act.

(ll) Nothing contained in this Act shall prohibit the taking of aquatic life protected by the Fish and Aquatic Life Code or birds and mammals protected by this Act, except deer and fur-bearing mammals, from a boat not camouflaged or disguised to alter its identity or to further provide a place of concealment and not propelled by sail or mechanical power. However, only shotguns not larger than 10 gauge nor smaller than .410 bore loaded with not more than 3 shells of a shot size no larger than lead BB or steel T (.20 diameter) may be used to take species protected by this Act.

(mm) Nothing contained in this Act shall prohibit the use of a shotgun, not larger than 10 gauge nor smaller than a 20 gauge, with a rifled barrel.

(Source: P.A. 93-807, eff. 7-24-04; 94-764, eff. 1-1-07.)

(520 ILCS 5/2.36) (from Ch. 61, par. 2.36)

Sec. 2.36. It shall be unlawful to buy, sell or barter, or offer to buy, sell or barter, and for a commercial institution, other than a regularly operated refrigerated storage establishment, to have in its possession any of the wild birds, or any part thereof (and their eggs), or wild mammals or any parts thereof, protected by this Act unless done as hereinafter provided:

Game birds or any parts thereof (and their eggs), may be held, possessed, raised and sold, or otherwise dealt with, as provided in Section 3.23 of this Act or when legally produced under similar special permit in another state or country and legally transported into the State of Illinois; provided that such imported game birds or any parts thereof, shall be marked with permanent irremovable tags, or similar devices, to establish and retain their origin and identity;

Rabbits may be legally taken and possessed as provided in Sections 3.23, ~~and~~ 3.24 , and 3.26 of this Act;

Deer, or any parts thereof, may be held, possessed, sold or otherwise dealt with as provided in this Section and Sections 3.23 and 3.24 of this Act;

Fur-bearing mammals, or any parts thereof, may be held, possessed, sold or otherwise dealt with as provided in Sections 3.16, ~~and~~ 3.24 , and 3.26 of this Act or when legally taken and possessed in Illinois or legally taken and possessed in and transported from other states or countries;

The inedible parts of game mammals may be held, possessed, sold or otherwise dealt with when legally taken, in Illinois or legally taken and possessed in and transported from other states or countries.

Failure to establish proof of the legality of possession in another state or country and importation into the State of Illinois, shall be prima facie evidence that such game birds or any parts thereof, and their eggs, game mammals and fur-bearing mammals, or any parts thereof, were taken within the State of Illinois.

(Source: P.A. 82-434.)

(520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

Sec. 3.5. Penalties; probation.

(a) Any person who violates any of the provisions of Section 2.36a, including administrative rules, shall be guilty of a Class 3 felony, except as otherwise provided in subsection (b) of this Section and subsection (a) of Section 2.36a.

(b) Whenever any person who has not previously been convicted of, or placed on probation or court supervision for, any offense under Section 1.22, 2.36, or 2.36a or subsection (i) or (cc) of Section 2.33, the court may, without entering a judgment and with the person's consent, sentence the person to probation for a violation of Section 2.36a.

(1) When a person is placed on probation, the court shall enter an order specifying a period of probation of 24 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation.

(2) The conditions of probation shall be that the person:

(A) Not violate any criminal statute of any jurisdiction.

(B) Perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved by the county board.

(3) The court may, in addition to other conditions:

(A) Require that the person make a report to and appear in person before or participate with the court or courts, person, or social service agency as directed by the court in the order of probation.

(B) Require that the person pay a fine and costs.

(C) Require that the person refrain from possessing a firearm or other dangerous weapon.

(D) Prohibit the person from associating with any person who is actively engaged in any of the activities regulated by the permits issued or privileges granted by the Department of Natural Resources.

(4) Upon violation of a term or condition of probation, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided.

(5) Upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings against the person.

(6) A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation, for appeal, and for administrative revocation and suspension of licenses and privileges; however, discharge and dismissal under this Section is not a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime.

(7) Discharge and dismissal under this Section may occur only once with respect to any person.

(8) If a person is convicted of an offense under this Act within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as a factor in aggravation.

(9) The Circuit Clerk shall notify the Department of State Police of all persons convicted of or placed under probation for violations of Section 2.36a.

(c) Any person who violates any of the provisions of Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30, 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y), and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 - 3.16, 3.19 - 3.21 (except subsections (b), (c), (d), (e), (f), (f.5), (g), (h), and (i)), and 3.24, 3.25, and 3.26 (except subsection (f)) ~~3.24 - 3.26~~, including administrative rules, shall be guilty of a Class B misdemeanor.

Any person who violates any of the provisions of Sections 1.22, 2.4, 2.36 and 2.38, including administrative rules, shall be guilty of a Class A misdemeanor. Any second or subsequent violations of Sections 2.4 and 2.36 shall be a Class 4 felony.

Any person who violates any of the provisions of this Act, including administrative rules, during such period when his license, privileges, or permit is revoked or denied by virtue of Section 3.36, shall be guilty of a Class A misdemeanor.

Any person who violates subsection (g), (i), (o), (p), (y), or (cc) of Section 2.33 shall be guilty of a Class A misdemeanor and subject to a fine of no less than $500 and no more than $5,000 in addition to other statutory penalties.

Any person who violates any other of the provisions of this Act including administrative rules, unless otherwise stated, shall be guilty of a petty offense. Offenses committed by minors under the direct control or with the consent of a parent or guardian may subject the parent or guardian to the penalties prescribed in this Section.

In addition to any fines imposed pursuant to the provisions of this Section or as otherwise provided in this Act, any person found guilty of unlawfully taking or possessing any species protected by this Act, shall be assessed a civil penalty for such species in accordance with the values prescribed in Section 2.36a of this Act. This civil penalty shall be imposed by the Circuit Court for the county within which the offense was committed at the time of the conviction. All penalties provided for in this Section shall be remitted to the Department in accordance with the same provisions provided for in Section 1.18 of this Act.

(Source: P.A. 94-222, eff. 7-14-05.)

(520 ILCS 5/3.25) (from Ch. 61, par. 3.25)

Sec. 3.25. Any individual who, within the State of Illinois, holds, possesses or engages in the breeding or raising of live fur-bearing mammals, protected by this Act, except as provided in Sections 1.6 or 1.7, shall be a fur-bearing mammal breeder in the meaning of this Act. Before any individual shall hold, possess or engage in the breeding or raising of live fur-bearing mammals, he shall first procure a fur-bearing mammal breeder permit. Fur-bearing mammal breeder permits shall be issued by the Department. The annual fee for each fur-bearing mammal breeder permit shall be $25. All fur-bearing mammal breeder permits shall expire on March 31 of each year.

Holders of fur-bearing mammal breeder permits may hold, possess, engage in the breeding or raising,

sell, or otherwise dispose of live fur-bearing mammals or their green hides, possessed thereunder, at any time of the year.

Fur-bearing mammal breeders shall keep a record for 2 years from the date of the acquisition, sale or other disposition of each live fur-bearing mammal or its green hide so raised or propagated, showing the date of such transaction, the name and address of the individual receiving or buying such live fur-bearing mammal or its green hide, and when requested to do so, shall furnish such individual with a certificate of purchase showing the number and kinds of live fur-bearing mammals or green hides so disposed of, the date of the transaction, the name and permit number of the breeder, and the name of the individual receiving, collecting, or buying such live fur-bearing mammals or green hides, and such other information as the Department may require. Such records and certificates of purchase shall be immediately presented to officers or authorized employees of the Department, any sheriff, deputy sheriff, or other peace officer when request is made for same. Failure to produce such records or certificates of purchase shall be prima facie evidence that such live fur-bearing mammals or green hides are contraband with the State of Illinois. The holder of a fur-bearing mammal breeder permit may exhibit fur-bearing mammals commercially.

Nothing in this Section shall be construed to give any such permittee authority to take fur-bearing mammals in their wild state contrary to other provisions of this Act, or to remove such permittee from responsibility for the observance of any Federal Laws, rules or regulations which may apply to such fur-bearing mammals.

Holders of fur-bearing mammal breeder permits may import fur-bearing mammals into the State of Illinois but may release the same only after health and disease prevention requirements set forth by the Director and other State agencies have been met and permission of the Director has been granted.

The breeding, raising and producing in captivity, and the marketing, by the producer, of mink (Mustela vison), red fox (Vulpes vulpes) or arctic fox (Alopex lagopus), as live animals, or as animal pelts or carcasses shall be deemed an agricultural pursuit, and all such animals so raised in captivity shall be deemed domestic animals, subject to all the laws of the State with reference to possession and ownership as are applicable at any time to domestic animals. All individuals engaged in the foregoing activities are fur farmers and engaged in farming for all statutory purposes. Such individuals are exempt from the fur-bearing mammal breeder permit requirements set forth in this Section if: (1) they are defined as farmers for Federal income tax purposes, and (2) at least 20 percent of their gross farm income as reported on Federal tax form Schedule F (Form 1040) for the previous year is generated from the sale of mink, red fox or arctic fox as live animals, animal pelts or carcasses.

No fur-bearing mammal breeder permits will be issued to hold, possess, or engage in the breeding and raising of striped skunks acquired after July 1, 1975, or coyotes acquired after July 1, 1978, except for coyotes that are held or possessed by a person who holds a hound running area permit under Section 3.26 of this Act.

(Source: P.A. 86-920.)

(520 ILCS 5/3.26 new)

Sec. 3.26. Hound running area permits; requirements.

(a) Any person owning, holding, or controlling by lease, for a term of at least 5 years, any contiguous tract of land having an area prescribed by administrative rule who desires to establish a hound running area to pursue authorized species with hounds in a way that is not designed to capture or kill the authorized species, shall apply to the Department for a hound running area permit under this Section. The application shall be made under oath of the applicant or under oath of one of the applicant's principal officers if the applicant is an association, club, or corporation. The annual fee for each hound running area permit is $250. All hound running area permits expire on March 31 of each year.

Every applicant under this Section must also hold a fur-bearing mammal breeder permit or a Class B commercial game breeder permit, as appropriate.

Upon receipt of an application, the Department is authorized to inspect the area proposed to be a hound running area as described in the application, the general premises, the facilities where the authorized species are to be maintained or propagated, and the habitat for the authorized species. As part of the application and inspection process, the Department shall assess the ability of the applicant to operate a property as a hound running area. If the Department finds that (i) the area meets the requirements of all applicable laws and rules, (ii) the authorized species are healthy and disease free, and (iii) the issuing of the permit will otherwise be in the public interest, then the Department shall approve the application and issue the permit for the operation of the property described in the application.

(b) Hound running areas shall be operated in a manner consistent with the following:

(1) Authorized species may be pursued with dogs in a hound running area, but not in a manner or with

the intent to capture or kill. The Department shall promulgate rules that establish appropriate and prohibited activities for hound running areas.

(2) Every hound running area shall have dog-proof escape areas. "Dog-proof escape area" means a culvert, brush pile, fenced refuge, or other structure suitable for use by authorized species to safely escape from dogs present on the hound running area. The number, type, and spacing of dog-proof escape areas shall be prescribed by administrative rule.

(3) Every permit holder shall promptly post on the hound running area, at intervals of not more than 500 feet, signs prescribed by the Department by administrative rule. The boundaries of the hound running area shall also be clearly defined by fencing and signs under administrative rules promulgated by the Department. The area, signs, fencing, dog-proof escape areas, and facilities to maintain the authorized species are subject to inspection by the Department at any reasonable time.

(4) A permit holder may maintain authorized species in temporary confinement facilities on the hound running area or at another location inspected by the Department and specified on the permit. Authorized species held by a permit holder may only be released into a hound running area, except that authorized species held by a permit holder may be released into the wild, exported, or given to a person that does not hold a hound running area permit or a fur-bearing mammal breeder permit or a Class B Commercial game breeders permit as appropriate, after written authorization is obtained from the Director. Prior to being released into a hound running area, all newly acquired authorized species shall be provided at least 7 days to acclimate to the hound running area in which the animal will be pursued. Authorized species held under a permit are subject to inspection by an agent of the Department and this inspection may include removal of reasonable samples for examination.

(5) Any person who releases or handles dogs on a hound running area is subject to the hunting license and habitat stamp requirements of this Act.

(6) The permit holder shall keep accurate permanent records on forms prescribed by the Department. The permanent records shall include, for each supplier of authorized species: (i) the supplier's full name, address, and telephone numbers; (ii) the number, sex, and identifier designation of each animal purchased, donated, sold, traded, or given to the permit holder by that supplier; and (iii) the date of the event or transaction. The permanent records shall also include the identification of all authorized species, while under the control of the permit holder on the area or elsewhere, by identifier designation and sex, along with information for each animal of the authorized species that gave birth, was born, died, or was disposed of in some other manner or that was sold, traded, donated, or conveyed in some other manner, and the dates on which those events occurred.

(7) Every permit holder shall attach an individually marked identifier provided by the Department to each animal of the authorized species maintained by the permit holder. The permit holder shall pay a fee for each identifier as established by the Department by administrative rule. The permit holder shall record the identifier for each animal maintained on the area or elsewhere or released into the area.

(8) Any person using the hound running area shall at all times respect the property rights of the property owners and the owners of adjacent properties, and shall not injure or destroy any livestock or property of any of those property owners. Springs and streams shall not be contaminated or polluted in any manner by persons using the hound running area. The natural use of springs and streams by dogs using the area shall not constitute contamination or pollution. Unless the express permission of the property owner has been given, no person using a hound running area may (i) mutilate or cut trees or shrubs on the hound running area or (ii) pick berries, fruits, or nuts present on the hound running area.

(c) Except as otherwise provided by administrative rule, it is unlawful for any person to enter a hound running area at any time with a firearm, bow and arrow, or trap.

(d) A hound running area permit is not transferable from one person to another. When a permit holder sells or leases the property that comprises or includes a hound running area and the purchaser or lessee intends to continue to use the hound running area under this Section, the purchaser or lessee must apply for a permit as provided in subsection (a) of this Section.

(e) All authorized species must be legally acquired.

(f) A person breeding or otherwise maintaining authorized species in conjunction with a hound running area must have the authorized species annually inspected and certified by a licensed Illinois veterinarian to be disease free. Anyone violating this subsection (f) is guilty of a business offense and shall be fined an amount not exceeding $5,000.

(g) The provisions of this Section are subject to modification by administrative rule.

(520 ILCS 5/3.33) (from Ch. 61, par. 3.33)

Sec. 3.33. The Department may either refuse to issue or refuse to renew or may suspend or may revoke

any game breeding and hunting preserve area license or hound running area permit if the Department finds that such licensed area or the operator thereof is not complying or does not comply with the provisions of Section 3.35 of this Act, or that such property, or area is operated in violation of other provisions of this Act, or in an unlawful or illegal manner; however, the Department shall not refuse to issue, refuse to renew nor suspend or revoke any license for any of these causes, unless the licensee affected has been given at least 15 days notice, in writing, of the reasons for the action of the Department and an opportunity to appear before the Department or a representative thereof in opposition to the action of the Department. Upon the hearing of any such proceeding, the person designated by the Department to conduct the hearing may administer oaths and the Department may procure, by its subpoena, the attendance of witnesses and the production of relevant books and papers. The Circuit Court upon application either of the licensee affected, or of the Department, may, on order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department or its representative in any such hearing. Upon refusal or neglect to obey its order, the Court may compel obedience by proceedings for contempt of court.
(Source: P.A. 84-150.)

(520 ILCS 5/3.35) (from Ch. 61, par. 3.35)

Sec. 3.35. Any licensee, or any other person, who willfully and intentionally transfers or permits the transfer of the tags issued to the operator of one licensed game breeding and hunting preserve area to the operator of another licensed game breeding and hunting preserve area, or to any other person, or who affixes such tags to game birds not taken from a licensed game breeding and hunting preserve area or to game birds taken from any area other than the area for which such tags were issued, is guilty of a Class B misdemeanor.

Any hound running area permit holder, or any other person, who intentionally transfers an identifier issued to the permit holder for a hound running area to another permit holder for a hound running area, or to any other person, or who affixes such an identifier to any of the authorized species under Section 3.26 that was not maintained at a hound running area, is guilty of a Class B misdemeanor.
(Source: P.A. 84-150.)

Section 10. The Illinois Dangerous Animals Act is amended by changing Section 1 as follows:

(720 ILCS 585/1) (from Ch. 8, par. 241)

Sec. 1. No person shall have a right of property in, keep, harbor, care for, act as custodian of or maintain in his possession any dangerous animal except at a properly maintained zoological park, federally licensed exhibit, circus, scientific or educational institution, research laboratory, veterinary hospital, hound running area, or animal refuge in an escape-proof enclosure.
(Source: P.A. 84-28.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 313. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 313, on page 4, by replacing line 26 with the following:
"(g-5) The Secretary of State, in his or her discretion, may designate on each driver's license issued a space where the licensee may place a sticker or decal, issued by the Secretary of State, of uniform size as the Secretary may specify, on which the words "Do not resuscitate." shall appear."; and
on page 5, by deleting lines 1 and 2.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 334. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 334 on page 1, by replacing lines 22 and 23 with "either

a railroad or operating property, as defined in"; and
on page 2, line 6, by deleting "primarily"; and
on page 2, line 7, by replacing "may" with "shall"; and
on page 2, by replacing lines 10, 11, and 12 with "municipality annexing the property under this Section. The"; and
on page 2, line 18, after "ordinance", by inserting ", and for land annexed pursuant to item (g), notice shall be given to the impacted land owners".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 351. Having been recalled on February 28, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Holbrook offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 351, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 17-800 as follows:

(220 ILCS 5/17-800 new)

Sec. 17-800. Aggregation of electrical load by municipalities and counties. The corporate authorities of a municipality or county board of a county may adopt an ordinance, under which it may aggregate in accordance with this Section residential retail electrical loads located, respectively, within the municipality or county and, for that purpose, may solicit bids and enter into service agreements to facilitate for those loads the sale and purchase of electricity and related services and equipment. The corporate authorities or county board also may exercise such authority jointly with any other municipality or county. An ordinance under this Section shall specify whether the aggregation will occur only with the prior consent of each person owning, occupying, controlling, or using an electric load center proposed to be aggregated. Nothing in this Section, however, authorizes the aggregation of electric loads that are served or authorized to be served by an electric cooperative as defined by and pursuant to the Electric Supplier Act or loads served by a municipality that owns and operates its own electric distribution system. No aggregation pursuant to an ordinance adopted under this Section that provides for an election under this Section shall take effect unless approved by a majority of the electors voting upon the ordinance at the election held pursuant to this Section.

A governmental aggregator under this Section is not a public utility or an alternative retail electric supplier and shall be subject to supervision and regulation by the Commission only to the extent provided in this Section.

A municipality may initiate a process to authorize aggregation by a majority vote of the municipal council, with the approval of the mayor. A county may initiate the process to authorize aggregation by a majority vote of the county board. Two or more municipalities or counties, or a combination of both, may initiate a process jointly to authorize aggregation by a majority vote of each particular municipality or county as herein required.

Upon the applicable requisite authority under this Section, the corporate authorities or the county board shall develop a plan of operation and governance for the aggregation program so authorized. Before adopting a plan under this Section, the corporate authorities or county board shall hold at least 2 public hearings on the plan. Before the first hearing, the corporate authorities or county board shall publish notice of the hearings once a week for 2 consecutive weeks in a newspaper of general circulation in the jurisdiction. The notice shall summarize the plan and state the date, time, and location of each hearing. Any load aggregation plan established pursuant to this Section shall:

(1) provide for universal access to all applicable residential customers and equitable treatment of applicable residential customers;

(2) describe demand management and energy efficiency services to be provided to each class of customers; and

(3) meet any requirements established by law or the Commission concerning aggregated service offered pursuant to this Section.

The plan shall be filed with the Commission for review and approval and shall include, without limitation, an organizational structure of the program, its operations, and funding; the methods of

establishing rates and allocating costs among participants; the methods for entering and terminating agreements with other entities; the rights and responsibilities of program participants; and procedures for termination of the program. Within 120 days after receipt of the plan, the Commission shall issue an order either approving or rejecting the plan. If the Commission rejects the plan, it shall state detailed reasons for rejecting the plan in its order. Upon approval of the plan, the corporate authorities or county board may solicit bids for electricity and other related services pursuant to the methods established in the plan. The corporate authorities or county board shall report the results of this solicitation and proposed agreement awards to the Commission, which shall have 15 business days to suspend such awards if the solicitation or awards are not in conformance with the plan or if the cost for energy would in the first year exceed the cost of that energy if that energy was obtained from an electric utility under Section 16-103 of this Act by citizens in the municipality or county or group of municipalities and counties, unless the applicant can demonstrate that the cost for energy under the aggregation plan will be lower in the subsequent years or the applicant can demonstrate that such excess cost is due to the purchase of renewable energy. If the Commission does not suspend the proposed contract awards within 15 business days after filing, the corporate authorities or county board shall have the right to award the proposed agreements.

It shall be the duty of the aggregated entity to fully inform residential retail customers in advance that they have the right to opt in to the aggregation program. The disclosure shall prominently state all charges to be made and shall include full disclosure of the cost to obtain service pursuant to Section 16-103 of this Act, how to access it, and the fact that it is available to them without penalty, if they are currently receiving service under that Section. The Commission shall furnish, without charge, to any citizen a list of all supply options available to them in a format that allows comparison of prices and products.

This Section does not prohibit municipalities or counties from entering into an intergovernmental agreement to aggregate residential retail electric load.".

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 411 and 414.

HOUSE BILL 118. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Registration and Regulation, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 118 on page 2, immediately below line 5, by inserting the following:

"Section 10. The Acupuncture Practice Act is amended by changing Sections 10, 20.1, 35, 60, 70, 105, 110, 120, 130, 140, 155, 160, 165, 170, 175, 180, 190, and 195 as follows:

(225 ILCS 2/10)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10. Definitions. As used in this Act:

"Acupuncture" means the evaluation or treatment of persons affected through a method of stimulation of a certain point or points on or immediately below the surface of the body by the insertion of pre-sterilized, single-use, disposable needles, unless medically contraindicated, with or without the application of heat, electronic stimulation, or manual pressure to prevent or modify the perception of pain, to normalize physiological functions, or for the treatment of certain diseases or dysfunctions of the body and includes activities referenced in Section 15 of this Act for which a written referral is not required. Acupuncture does not include radiology, electrosurgery, chiropractic technique, physical therapy, naprapathic technique, use or prescribing of any drugs, medications, herbal preparations, nutritional supplements, serums, or vaccines, or determination of a differential diagnosis. An acupuncturist registered under this Act who is not also licensed as a physical therapist under the Illinois Physical Therapy Act shall not hold himself or herself out as being qualified to provide physical therapy or physiotherapy services. An acupuncturist shall refer to a licensed physician or dentist, any patient whose condition should, at the time of evaluation or treatment, be

determined to be beyond the scope of practice of the acupuncturist.

"Acupuncturist" means a person who practices acupuncture and who is licensed by the Department.

"Board" means the Board of Acupuncture.

"Dentist" means a person licensed under the Illinois Dental Practice Act.

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

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

"Physician" means a person licensed under the Medical Practice Act of 1987.

"Referral by written order" for purposes of this Act means a diagnosis, substantiated by signature of a physician or dentist, identifying a patient's condition and recommending treatment by acupuncture as defined in this Act. The diagnosis shall remain in effect until changed by the physician or dentist who may, through express direction in the referral, maintain management of the patient.

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

"State" includes:

(1) the states of the United States of America;

(2) the District of Columbia; and

(3) the Commonwealth of Puerto Rico.

(Source: P.A. 93-999, eff. 8-23-04.)

(225 ILCS 2/20.1)

(Section scheduled to be repealed on January 1, 2008)

Sec. 20.1. Guest instructors of acupuncture; professional education. The provisions of this Act do not prohibit an acupuncturist from another state ~~State~~ or country, who is not licensed under this Act and who is an invited guest of a professional acupuncture association or scientific acupuncture foundation or an acupuncture training program or continuing education provider ~~that is~~ approved by the Department under this Act, from engaging in professional education through lectures, clinics, or demonstrations, provided that the acupuncturist is currently licensed in another state or country, his or her license is active and has not been disciplined, and he or she is currently certified in good standing as an acupuncturist by the National Certification Commission for Acupuncture and Oriental Medicine.

Licensees under this Act may engage in professional education through lectures, clinics, or demonstrations as an invited guest of a professional acupuncture association or scientific acupuncture foundation or an acupuncture training program or continuing education provider approved by the Department under this Act. The Department may, but is not required to, establish rules concerning this Section. ~~To qualify as a guest instructor of acupuncture, the acupuncturist must have been issued a guest instructor of acupuncture permit by the Department. The Department shall grant a guest instructor of acupuncture permit if the Department determines that the applicant for the permit (i) is currently certified in good standing as an acupuncturist by the National Certification Commission for Acupuncture and Oriental Medicine; or (ii) has sufficient training to qualify as a licensed acupuncturist in Illinois. By rule, the Department may prescribe forms that shall be used to apply for guest instructor of acupuncture permits and charge an application fee to defray expenses borne by the Department in connection with implementation of this amendatory Act of the 92nd General Assembly. The applicant shall submit his or her application for a guest instructor of acupuncture permit to the Department. The Department shall issue a guest instructor of acupuncture permit, or indicate why the Department has refused to issue the permit, within 60 days after the application is complete and on file with the Department. The Department shall maintain a registry of guest instructors of acupuncture. A guest instructor of acupuncture permit shall be valid for 12 months. The guest instructor of acupuncture may engage in the application of acupuncture techniques in conjunction with the lectures, clinics, or demonstrations for a maximum of 12 months, but may not open an office, appoint a place to meet private patients, consult with private patients, or otherwise engage in the practice of acupuncture beyond what is required in conjunction with these lectures, clinics, or demonstrations.~~

(Source: P.A. 92-70, eff. 7-12-01.)

(225 ILCS 2/35)

(Section scheduled to be repealed on January 1, 2008)

Sec. 35. Board of Acupuncture. The Secretary ~~Director~~ shall appoint a Board of Acupuncture to consist of 7 persons who shall be appointed by and shall serve in an advisory capacity to the Secretary ~~Director~~. Four members must hold an active license to engage in the practice of acupuncture in this State, one member shall be a chiropractic physician licensed under the Medical Practice Act of 1987 who is actively engaged in the practice of acupuncture, one member shall be a physician licensed to practice medicine in all of its branches in Illinois, and one member must be a member of the public who is not licensed under this Act or a similar Act of another jurisdiction and who has no connection with the profession. ~~The initial~~

~~appointees who would otherwise be required to be licensed acupuncturists shall instead be individuals who have been practicing acupuncture for at least 5 years and who are eligible under this Act for licensure as acupuncturists.~~

Members shall serve 4-year terms and until their successors are appointed and qualified~~, except that of the initial appointments, one member shall be appointed to serve for 1 year, 2 members shall be appointed to serve for 2 years, 2 members shall be appointed to serve for 3 years, and 2 members shall be appointed to serve for 4 years and until their successors are appointed and qualified~~. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 8 consecutive years. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this amendatory Act of 1997.

The Board may ~~shall~~ annually elect a chairperson and a vice-chairperson who shall preside in the absence of the chairperson. The membership of the Board should reasonably reflect representation from the geographic areas in this State. The Secretary ~~Director~~ may terminate the appointment of any member for cause. The Secretary ~~Director~~ may give due consideration to all recommendations of the Board. A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise the right and perform all the duties of the Board. Members of the Board shall have no liability in any action based upon any disciplinary proceeding or other activity performed in good faith as a member of the Board.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/60)

(Section scheduled to be repealed on January 1, 2008)

Sec. 60. Exhibition of ~~Display of~~ license upon request; change of address. ~~A holder of a license under this Act shall display the license in a conspicuous place in the office or offices where the holder practices acupuncture.~~ A licensee shall, whenever requested, exhibit his or her license to any representative of the Department and shall notify the Department of the address or addresses, and of every change of address, where the licensee practices acupuncture.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/70)

(Section scheduled to be repealed on January 1, 2008)

Sec. 70. Renewal, reinstatement, or restoration of license; continuing education; military service. The expiration date and renewal period for each license issued under this Act shall be set by rule. The holder of a license may renew that license during the month preceding its expiration date by paying the required fee.

In order to renew or restore a license, applicants shall provide proof of having met the requirements of continuing education set forth in the rules of the Department. Continuing education sponsors approved by the Department may not use an individual to engage in clinical demonstration, unless that individual is actively licensed under this Act or licensed by another state or country as set forth in Section 20.1 of this Act.

A person who has permitted his or her license to expire or who has had his or her license on inactive status may have the license restored by submitting an application to the Department, by meeting continuing education requirements, and by filing proof acceptable to the Department of fitness to have the license restored, which may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee. If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated clinical experience and may require successful completion of a practical examination.

Any acupuncturist whose license expired while he or she was (1) in federal service 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, however, may have his or her registration restored without paying any lapsed renewal fees if within 2 years after honorable termination of service, training, or education, he or she furnishes the Department with satisfactory evidence that he or she has been so engaged and that his or her service, training, or education has been terminated.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/105)

(Section scheduled to be repealed on January 1, 2008)

Sec. 105. Unlicensed practice; civil penalty. A person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a licensed acupuncturist without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 ~~$5,000~~ for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.
(Source: P.A. 90-61, eff. 7-3-97.)

(225 ILCS 2/110)

(Section scheduled to be repealed on January 1, 2008)

Sec. 110. Grounds for disciplinary action.

(a) The Department may refuse to issue or to renew, place on probation, suspend, revoke or take other disciplinary or non-disciplinary action as deemed appropriate including the imposition of fines not to exceed $10,000 ~~$5,000~~ for each violation, as the Department may deem proper, with regard to a license for any one or combination of the following causes:

(1) Violations of the Act or its rules.

(2) Conviction or plea of guilty or nolo contendere of any crime under the laws of the United States or any state or territory thereof ~~U.S. jurisdiction~~ that is (i) a felony or ~~,~~ (ii) a misdemeanor, an essential element of which is dishonesty or that is ~~, or (iii)~~ directly related to the practice of the profession.

(3) Making any misrepresentation for the purpose of obtaining a license.

(4) Aiding or assisting another person in violating any provision of this Act or its rules.

(5) Failing to provide information within 60 days in response to a written request made by the Department which has been sent by certified or registered mail to the licensee's last known address.

(6) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to one set forth in this Section.

(7) Solicitation of professional services by means other than permitted under this Act.

(8) Failure to provide a patient with a copy of his or her record upon the written request of the patient.

(9) Gross negligence in the practice of acupuncture.

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

(11) A finding that licensure has been applied for or obtained by fraudulent means.

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

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

(14) Wilfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(15) The use of any words, abbreviations, figures or letters (such as Acupuncturist, Licensed Acupuncturist, Certified Acupuncturist, C.A., Act., Lic. Act., or Lic. Ac.) with the intention of indicating practice as a licensed acupuncturist without a valid license as an acupuncturist issued under this Act.

(16) Using ~~testimonials or~~ claims of superior quality of care to entice the public or advertising fee comparisons of available services with those of other persons providing acupuncture services.

(17) Advertising of professional services that the offeror of the services is not licensed to render. Advertising of professional services that contains false, fraudulent, deceptive, or misleading material or guarantees of success, statements that play upon the vanity or fears of the public, or statements that promote or produce unfair competition.

(18) Having treated ailments of human beings other than by the practice of acupuncture as defined in this Act, or having treated ailments of human beings as a licensed acupuncturist pursuant to a referral by written order that provides for management of the patient by a physician or dentist without having notified the physician or dentist who established the diagnosis that the patient is receiving

acupuncture treatment.

(19) Unethical, unauthorized, or unprofessional conduct as defined by rule.

(20) Physical illness, ~~including but not limited to deterioration through the aging process,~~ mental illness, or other impairment ~~disability~~ that results in the inability to practice the profession with reasonable judgment, skill, and safety, including without limitation deterioration through the aging process, mental illness, or disability.

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

The entry of an order by a circuit court establishing that any person holding a license under this Act is subject to involuntary admission or judicial admission as provided for in the Mental Health and Developmental Disabilities Code operates as an automatic suspension of that license. That person may have his or her license restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient and upon the Board's recommendation to the Department that the license be restored. Where the circumstances so indicate, the Board may recommend to the Department that it require an examination prior to restoring a suspended license.

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

In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

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

In instances in which the Secretary ~~Director~~ immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 30 ~~15~~ days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

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

(Source: P.A. 93-999, eff. 8-23-04.)

(225 ILCS 2/120)

(Section scheduled to be repealed on January 1, 2008)

Sec. 120. Checks or orders to Department dishonored because of insufficient funds. Any person who issues or delivers a check or other order to the Department that is not honored on 2 occasions by the financial institution upon which it is drawn because of insufficient funds on account, the account is closed, or a stop payment has been placed on the check or order shall pay to the Department, in addition to the amount owing upon the check or other order, a fee of $50. If the check or other order was issued or

delivered in payment of a renewal or issuance fee and the person whose registration has lapsed continues to practice acupuncture without paying the renewal or issuance fee and the required $50 fee under this Section, an additional fee of $100 shall be imposed. The fees imposed by this Section are in addition to any other disciplinary provision under this Act prohibiting practice on an expired or non-renewed registration. The Department shall mail a registration renewal form to each registrant 60 days before the expiration of the registrant's current registration. The Department shall notify a person whose registration has lapsed, within 30 days after the discovery of the lapse, that the individual is engaged in the unauthorized practice of acupuncture and of the amount due to the Department which shall include the lapsed renewal fee and all other fees required by this Section. If after the expiration of 30 days from the date of the notification a person whose registration has lapsed seeks a current registration, he or she shall thereafter apply to the Department for restoration of the registration and pay all fees due to the Department. The Department may establish a fee for the processing of an application for restoration of a registration that allows the Department to pay all costs and expenses incident to the processing of this application. The Secretary ~~Director~~ may waive the fees due under this Section in individual cases where he or she finds that the fees would be unreasonably or unnecessarily burdensome.

(Source: P.A. 89-706, eff. 1-31-97.)

(225 ILCS 2/130)

(Section scheduled to be repealed on January 1, 2008)

Sec. 130. Injunctions; criminal offenses; cease and desist order.

(a) If any person violates the provisions of this Act, the Secretary ~~Director~~ may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney for any county in which the action is brought, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or condition, 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 shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) Whenever in the opinion of the Department a person violates a 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 to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(c) Other than as provided in Section 20 of this Act, if any person practices as an acupuncturist or holds himself or herself out as a licensed acupuncturist under this Act without being issued a valid existing license by the Department, then any licensed acupuncturist, any interested party, or any person injured thereby may, in addition to the Secretary ~~Director~~, petition for relief as provided in subsection (a) of this Section.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/140)

(Section scheduled to be repealed on January 1, 2008)

Sec. 140. Investigation; notice; hearing. Licenses may be refused, revoked, suspended, or otherwise disciplined in the manner provided by this Act and not otherwise. The Department may upon its own motion or ~~and shall~~ upon the ~~verified~~ complaint ~~in writing~~ of any person setting forth facts that if proven would constitute grounds for refusal to issue or renew or for suspension, ~~or~~ revocation , or other disciplinary action under this Act, investigate the actions of a person applying for, holding, or claiming to hold a license. The Department shall, before refusing to issue or renew, suspending, ~~or~~ revoking , or taking other disciplinary action regarding a license or taking other discipline pursuant to Section 110 of this Act, and at least 30 days prior to the date set for the hearing, notify in writing the applicant or licensee of any charges made, shall afford the applicant or licensee an opportunity to be heard in person or by counsel in reference to the charges, and direct the applicant or licensee to file a written answer to the Department under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will result in default being taken against the applicant or licensee and that the license may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Secretary ~~Director~~ may deem proper. Written notice may be served by personal delivery to the applicant or licensee or by mailing the notice by certified mail to his or her last known place of residence or to the place of business last specified by the applicant or licensee in his or her last notification to the Department. If the person fails to file an answer after receiving

notice, his or her license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Department shall proceed to hearing of the charges and both the applicant or licensee and the complainant shall be afforded ample opportunity to present, in person or by counsel, any statements, testimony, evidence, and arguments that may be pertinent to the charges or to their defense. The Department may continue a hearing from time to time. If the Board is not sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Department may continue the hearing for a period not to exceed 30 days.
(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/155)

(Section scheduled to be repealed on January 1, 2008)

Sec. 155. Subpoena; oaths. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition or both with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State. The Department shall also have the power to subpoena the production of documents, papers, files, books, and records in connection with a hearing or investigation.

The Secretary ~~Director~~ and the hearing officer designated by the Secretary ~~Director~~ shall each have power to administer oaths to witnesses at any hearing that the Department is authorized to conduct under this Act and any other oaths required or authorized to be administered by the Department under this Act.
(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/160)

(Section scheduled to be repealed on January 1, 2008)

Sec. 160. Findings of facts, conclusions of law, and recommendations. At the conclusion of the hearing, the Board ~~hearing officer~~ shall present to the Secretary ~~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 failed to comply with the conditions required in this Act. The Board ~~hearing officer~~ shall specify the nature of the violation or failure to comply and shall make its ~~his or her~~ recommendations to the Secretary ~~Director~~.

The report of findings of fact, conclusions of law, and recommendations of the Board ~~hearing officer~~ may be the basis of the order of the Department. If the Secretary ~~Director~~ disagrees in any regard with the report of the Board ~~hearing officer~~, the Secretary may ~~Director shall~~ issue an order in contravention of the report. The Secretary ~~Within 60 days after taking that action the Director~~ shall provide notice ~~a written report~~ to the Board ~~hearing officer~~ on any deviation and ~~shall specify with particularity~~ the reasons for the deviation ~~action in the final order~~. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.
(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/165)

(Section scheduled to be repealed on January 1, 2008)

Sec. 165. Hearing officer. The Secretary ~~Director~~ shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for discipline of a license. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and the Secretary ~~Director~~. The Board shall ~~have 60 days after receipt of the report to~~ review the report of the hearing officer and to present its findings of fact, conclusions of law, and recommendations to the Secretary ~~Director~~.
(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/170)

(Section scheduled to be repealed on January 1, 2008)

Sec. 170. Service of report; rehearing; order. In any case involving the discipline of a license, a copy of the hearing officer's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after the service, the respondent may present to the Department a motion in writing for a rehearing that shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a motion for rehearing is denied, then upon the denial the Secretary ~~Director~~ may enter an order in accordance with this Act. If the respondent orders from the reporting office and pays for a

transcript of the record within the time for filing a motion for rehearing, the 20 day period within which the motion may be filed shall commence upon the delivery of the transcript to the respondent.
(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/175)

(Section scheduled to be repealed on January 1, 2008)

Sec. 175. Substantial justice to be done; rehearing. Whenever the Secretary ~~Director~~ is satisfied that substantial justice has not been done in the discipline of a license, the Secretary ~~Director~~ may order a rehearing by the same or another hearing officer.
(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/180)

(Section scheduled to be repealed on January 1, 2008)

Sec. 180. Order or certified copy as prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary ~~Director~~, shall be prima facie proof:

(1) that the signature is the genuine signature of the Secretary ~~Director~~;

(2) that such Secretary ~~Director~~ is duly appointed and qualified; and

(3) that the Board and its members are qualified to act.
(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/190)

(Section scheduled to be repealed on January 1, 2008)

Sec. 190. Surrender of registration. Upon the revocation or suspension of any registration, the registrant shall immediately surrender the registration certificate to the Department. If the registrant fails to do so, the Department shall have the right to seize the registration certificate.
(Source: P.A. 89-706, eff. 1-31-97.)

(225 ILCS 2/195)

(Section scheduled to be repealed on January 1, 2008)

Sec. 195. Imminent danger to public; temporary suspension. The Secretary ~~Director~~ may temporarily suspend the license of an acupuncturist without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 140 of this Act, if the Secretary ~~Director~~ finds that evidence in his or her possession indicates that continuation in practice would constitute an imminent danger to the public. In the event that the Secretary ~~Director~~ temporarily suspends a license without a hearing, a hearing by the Department must be held within 30 days after the suspension has occurred and be concluded without appreciable delay.
(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 120.

HOUSE BILL 121. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Registration and Regulation, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 121 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.18 and by adding Section 4.28 as follows:

(5 ILCS 80/4.18)

Sec. 4.18. Acts repealed January 1, 2008 and December 31, 2008.

(a) The following Acts are repealed on January 1, 2008:

The Acupuncture Practice Act.

The Clinical Social Work and Social Work Practice Act.

The Home Medical Equipment and Services Provider License Act.

The Nursing and Advanced Practice Nursing Act.

~~The Illinois Speech-Language Pathology and Audiology Practice Act.~~
The Marriage and Family Therapy Licensing Act.
The Nursing Home Administrators Licensing and Disciplinary Act.
The Pharmacy Practice Act of 1987.
The Physician Assistant Practice Act of 1987.
The Podiatric Medical Practice Act of 1987.
The Structural Pest Control Act.

(b) The following Acts are repealed on December 31, 2008:
The Medical Practice Act of 1987.
The Environmental Health Practitioner Licensing Act.

(Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06; 94-1085, eff. 1-19-07; revised 1-22-07.)

(5 ILCS 80/4.28 new)

Sec. 4.28. Act repealed on January 1, 2018. The following Act is repealed on January 1, 2018:
The Illinois Speech-Language Pathology and Audiology Practice Act.

Section 10. The Illinois Speech-Language Pathology and Audiology Practice Act is amended by changing Sections 3, 5, 7, 8, 8.5, 10, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 28.5, and 29 and by adding Sections 21.1, 21.2, and 24.1 as follows:

(225 ILCS 110/3) (from Ch. 111, par. 7903)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3. Definitions. The following words and phrases shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

(a) "Department" means the Department of Financial and Professional Regulation.

(b) "Secretary ~~Director~~" means the Secretary ~~Director~~ of Financial and Professional Regulation.

(c) "Board" means the Board of Speech-Language Pathology and Audiology established under Section 5 of this Act.

(d) "Speech-Language Pathologist" means a person who has received a license pursuant to this Act and who engages in the practice of speech-language pathology.

(e) "Audiologist" means a person who has received a license pursuant to this Act and who engages in the practice of audiology.

(f) "Public member" means a person who is not a health professional. For purposes of board membership, any person with a significant financial interest in a health service or profession is not a public member.

(g) "The practice of audiology" is the application of nonmedical methods and procedures for the identification, measurement, testing, appraisal, prediction, habilitation, rehabilitation, or instruction related to hearing and disorders of hearing. These procedures are for the purpose of counseling, consulting and rendering or offering to render services or for participating in the planning, directing or conducting of programs that are designed to modify communicative disorders involving speech, language or auditory function related to hearing loss. The practice of audiology may include, but shall not be limited to, the following:

(1) any task, procedure, act, or practice that is necessary for the evaluation of hearing or vestibular function;
(2) training in the use of amplification devices;
(3) the fitting, dispensing, or servicing of hearing instruments; and
(4) performing basic speech and language screening tests and procedures consistent with audiology training.

(h) "The practice of speech-language pathology" is the application of nonmedical methods and procedures for the identification, measurement, testing, appraisal, prediction, habilitation, rehabilitation, and modification related to communication development, and disorders or disabilities of speech, language, voice, swallowing, and other speech, language and voice related disorders. These procedures are for the purpose of counseling, consulting and rendering or offering to render services, or for participating in the planning, directing or conducting of programs that are designed to modify communicative disorders and conditions in individuals or groups of individuals involving speech, language, voice and swallowing function.

"The practice of speech-language pathology" shall include, but shall not be limited to, the following:

(1) hearing screening tests and aural rehabilitation procedures consistent with speech-language pathology training;
(2) tasks, procedures, acts or practices that are necessary for the evaluation of, and

training in the use of, augmentative communication systems, communication variation, cognitive rehabilitation, non-spoken language production and comprehension.

(i) "Speech-language pathology assistant" means a person who has received a license pursuant to this Act to assist a speech-language pathologist in the manner provided in this Act.

(Source: P.A. 94-528, eff. 8-10-05.)

(225 ILCS 110/5) (from Ch. 111, par. 7905)

(Section scheduled to be repealed on January 1, 2008)

Sec. 5. Board of Speech-Language Pathology and Audiology. There is created a Board of Speech-Language Pathology and Audiology to be composed of persons designated from time to time by the Secretary ~~Director~~, as follows:

(a) Five persons, 2 of whom have been licensed speech-language pathologists for a period of 5 years or more, 2 of whom have been licensed audiologists for a period of 5 years or more, and one public member. The board shall annually elect a chairperson and a vice-chairperson.

(b) Terms for all members shall be for 3 years. A member shall serve until his or her successor is appointed and qualified. Partial terms over 2 years in length shall be considered as full terms. A member may be reappointed for a successive term, but no member shall serve more than 2 full terms.

(c) The membership of the Board should reasonably reflect representation from the various geographic areas of the State.

(d) In making appointments to the Board, the Secretary ~~Director~~ shall give due consideration to recommendations by organizations of the speech-language pathology and audiology professions in Illinois, including the Illinois Speech-Language-Hearing Association and the Illinois Academy of Audiology, and shall promptly give due notice to such organizations of any vacancy in the membership of the Board. The Secretary ~~Director~~ may terminate the appointment of any member for any cause, which in the opinion of the Secretary ~~Director~~, reasonably justifies such termination.

(e) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

(f) The members of the Board may ~~shall~~ each receive as compensation a reasonable sum as determined by the Secretary ~~Director~~ for each day actually engaged in the duties of the office, and all legitimate and necessary expenses incurred in attending the meetings of the Board.

(g) Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(h) The Secretary ~~Director~~ may consider the recommendations of the Board in establishing guidelines for professional conduct, the conduct of formal disciplinary proceedings brought under this Act, and qualifications of applicants. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made in the response. The Department, at any time, may seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.

(i) Whenever the Secretary ~~Director~~ is satisfied that substantial justice has not been done either in an examination or in the revocation, suspension, or refusal of a license, or other disciplinary action relating to a license, the Secretary ~~Director~~ may order a reexamination or rehearing.

(Source: P.A. 94-528, eff. 8-10-05.)

(225 ILCS 110/7) (from Ch. 111, par. 7907)

(Section scheduled to be repealed on January 1, 2008)

Sec. 7. Licensure requirement.

(a) Except as provided in subsection (b), on or after June 1, 1989, no person shall practice speech-language pathology or audiology without first applying for and obtaining a license for such purpose from the Department. Except as provided in this Section, on or after January 1, 2002, no person shall perform the functions and duties of a speech-language pathology assistant without first applying for and obtaining a license for that purpose from the Department.

(b) A person holding a regular license to practice speech-language pathology or audiology under the laws of another state, a territory of the United States, or the District of Columbia who has made application to the Department for a license to practice speech-language pathology or audiology may practice speech-language pathology or audiology without a license for 90 days from the date of application or until disposition of the license application by the Department, whichever is sooner, if the person (i) holds a

Certificate of Clinical Competence from the American Speech-Language-Hearing Association in speech-language pathology or audiology or, in the case of an audiologist, a certificate from the American Board of Audiology and (ii) has not been disciplined and has no disciplinary matters pending in a state, a territory, or the District of Columbia.

A person applying for an initial license to practice audiology who is a recent graduate of a Department-approved audiology program may practice as an audiologist for a period of 60 days after the date of application or until disposition of the license application by the Department, whichever is sooner, provided that he or she meets the applicable requirements of Section 8 of this Act.

(Source: P.A. 92-510, eff. 6-1-02; 93-112, eff. 1-1-04.)

(225 ILCS 110/8) (from Ch. 111, par. 7908)

(Section scheduled to be repealed on January 1, 2008)

Sec. 8. Qualifications for licenses to practice speech-language pathology or audiology. The Department shall require that each applicant for a license to practice speech-language pathology or audiology shall:

(a) (Blank);

(b) be at least 21 years of age;

(c) not have violated any provisions of Section 16 of this Act;

(d) present satisfactory evidence of receiving a master's or doctoral degree in speech-language pathology ~~or audiology~~ from a program approved by the Department. Nothing in this Act shall be construed to prevent any program from establishing higher standards than specified in this Act;

(d-5) when applying for an initial license as an audiologist prior to January 1, 2008, present satisfactory evidence of receiving a master's or doctoral degree in audiology from a program approved by the Department. If applying for an initial license on or after January 1, 2008, present satisfactory evidence of a doctoral degree in audiology from a program approved by the Department. Nothing in this Act shall be construed to prevent any program from establishing higher standards than specified in this Act;

(e) pass a national examination recognized by the Department in the theory and practice of the profession;

(f) for a license as a speech-language pathologist, have completed the equivalent of 9 months of supervised experience; and

(g) for a license as an audiologist, have completed a minimum of 1,500 clock hours of supervised experience or present evidence of a Doctor of Audiology (AuD) degree.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 94-528, eff. 8-10-05.)

(225 ILCS 110/8.5)

(Section scheduled to be repealed on January 1, 2008)

Sec. 8.5. Qualifications for licenses as a speech-language pathology assistant. ~~(a)~~ A person is qualified to be licensed as a speech-language pathology assistant if that person has applied in writing on forms prescribed by the Department, has paid the required fees, and meets both of the following criteria:

(1) Is of good moral character. In determining moral character, the Department may take into consideration any felony conviction or plea of guilty or nolo contendere of the applicant, but such a conviction or plea shall not operate automatically as a complete bar to licensure.

(2) Has received an associate degree from a speech-language pathology assistant program that has been approved by the Department and that meets the minimum requirements set forth in Section 8.6 ~~or has received, prior to June 1, 2003, an associate degree from a speech language pathology assistant program approved by the Illinois Community College Board. (b) Until July 1, 2005, a person holding a bachelor's level degree in communication disorders who was employed to assist a speech language pathologist on June 1, 2002 (the effective date of P.A. 92-510) shall be eligible to receive a license as a speech language pathology assistant from the Department upon completion of forms prescribed by the Department and the payment of the required fee~~.

(Source: P.A. 93-1060, eff. 12-23-04; 94-869, eff. 6-16-06.)

(225 ILCS 110/10) (from Ch. 111, par. 7910)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10. Roster ~~List~~ of speech-language pathologists and audiologists. The Department shall maintain a roster ~~list~~ of the names and addresses of the speech-language pathologists, speech-language pathology assistants, and audiologists. Such lists shall also be mailed by the Department to any person upon request

and payment of the required fee.
(Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/11) (from Ch. 111, par. 7911)

(Section scheduled to be repealed on January 1, 2008)

Sec. 11. Expiration, renewal and restoration of licenses.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. A speech-language pathologist, speech-language pathology assistant, or audiologist may renew such license during the month preceding the expiration date thereof by paying the required fee.

(a-5) All renewal applicants shall provide proof as determined by the Department of having met the continuing education requirements set forth in the rules of the Department. At a minimum, the rules shall require a renewal applicant for licensure as a speech-language pathologist or audiologist to provide proof of completing at least 20 clock hours of continuing education during the 2-year licensing cycle for which he or she is currently licensed. An audiologist who has met the continuing education requirements of the Hearing Instrument Consumer Protection Act during an equivalent licensing cycle under this Act shall be deemed to have met the continuing education requirements of this Act. At a minimum, the rules shall require a renewal applicant for licensure as a speech-language pathology assistant to provide proof of completing at least 10 clock hours of continuing education during the 2-year period for which he or she currently holds a license. ~~The Department shall provide by rule for an orderly process for the reinstatement of licenses that have not been renewed for failure to meet the continuing education requirements. The continuing education requirements may be waived in cases of extreme hardship as defined by rule of the Department.~~

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

(b) Inactive status.

(1) Any licensee who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

(2) Any licensee requesting restoration from inactive status shall be required to (i) pay the current renewal fee; and (ii) demonstrate that he or she has completed ~~obtained the equivalent of 20 hours of~~ continuing education as established by rule ~~if the licensee has been inactive for 5 years or more~~.

(3) Any licensee whose license is in an inactive status shall not practice in the State of Illinois without first restoring his or her license.

(4) Any licensee who shall engage in the practice while the license is lapsed or inactive shall be considered to be practicing without a license which shall be grounds for discipline under Section 16 of this Act.

(c) Any speech-language pathologist, speech-language pathology assistant, or audiologist whose license has expired may have his or her license restored at any time within 5 years after the expiration thereof, upon payment of the required fee.

(d) Any person whose license has been expired or inactive for 5 years or more may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including sworn evidence certifying to active lawful practice in another jurisdiction, and by paying the required restoration fee. A person practicing on an expired license is deemed to be practicing without a license.

(e) If a person whose license has expired has not maintained active practice in another jurisdiction, the Department shall determine, by an evaluation process established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated clinical experience, and may require successful completion of an examination.

(f) Any person whose license has expired while he or she has been engaged (1) in federal or State service on active duty, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license restored without paying any lapsed renewal or restoration fee, if within 2 years after termination of such service, training or education he or she furnishes the Department with satisfactory proof that he or she has been so engaged and that his or her service, training or education has been so terminated.
(Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/13) (from Ch. 111, par. 7913)

(Section scheduled to be repealed on January 1, 2008)

Sec. 13. Licensing applicants from other states.

Upon payment of the required fee, an applicant who is a speech-language pathologist, speech-language pathology assistant, or audiologist licensed under the laws of another state or territory of the United States, may ~~shall~~ without examination be granted a license as a speech-language pathologist, speech-language pathology assistant, or audiologist by the Department:

(a) whenever the requirements of such state or territory of the United States were at the date of licensure substantially equal to the requirements then in force in this State; or

(b) whenever such requirements of another state or territory of the United States together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as speech-language pathologist, speech-language pathology assistant, or audiologist in such state or territory of the United States are substantially equal to the requirements in force in Illinois at the time of application for licensure as a speech-language pathologist, speech-language pathology assistant, or audiologist.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/15) (from Ch. 111, par. 7915)

(Section scheduled to be repealed on January 1, 2008)

Sec. 15. Returned checks; Penalties. 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 practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary ~~Director~~ may waive the fines due under this Section in individual cases where the Secretary ~~Director~~ finds that the fines would be unreasonable or unnecessarily burdensome.

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

(225 ILCS 110/16) (from Ch. 111, par. 7916)

(Section scheduled to be repealed on January 1, 2008)

Sec. 16. Refusal, revocation or suspension of licenses.

(1) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, censure, reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed $10,000 ~~$5,000~~ for each violation, with regard to any license for any one or combination of the following causes:

(a) Fraud in procuring the license.

(b) (Blank). ~~Habitual intoxication or addiction to the use of drugs.~~

(c) Willful or repeated violations of the rules of the Department of Public Health.

(d) Division of fees or agreeing to split or divide the fees received for speech-language pathology or audiology services with any person for referring an individual, or assisting in the care or treatment of an individual, without the knowledge of the individual or his or her legal representative.

(e) Employing, procuring, inducing, aiding or abetting a person not licensed as a speech-language pathologist or audiologist to engage in the unauthorized practice of speech-language pathology or audiology.

(e-5) Employing, procuring, inducing, aiding, or abetting a person not licensed as a speech-language pathology assistant to perform the functions and duties of a speech-language pathology assistant.

(f) Making any misrepresentations or false promises, directly or indirectly, to

influence, persuade or induce patronage.

(g) Professional connection or association with, or lending his or her name to another for the illegal practice of speech-language pathology or audiology by another, or professional connection or association with any person, firm or corporation holding itself out in any manner contrary to this Act.

(h) Obtaining or seeking to obtain checks, money, or any other things of value by false or fraudulent representations, including but not limited to, engaging in such fraudulent practice to defraud the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid).

(i) Practicing under a name other than his or her own.

(j) Improper, unprofessional or dishonorable conduct of a character likely to deceive, defraud or harm the public.

(k) Conviction of or entry of a plea of guilty or nolo contendere to any crime that ~~in this or another state of any crime which~~ is a felony under the laws of the United States or any state or territory thereof, or that is a misdemeanor of which an essential element is dishonesty, or that is directly related to the practice of the profession ~~this State or conviction of a felony in a federal court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust~~.

(l) Permitting a person under his or her supervision to perform any function not authorized by this Act.

(m) A violation of any provision of this Act or rules promulgated thereunder.

(n) Discipline ~~Revocation~~ by another state, the District of Columbia, territory, or foreign nation of a license to practice speech-language pathology or audiology or a license to practice as a speech-language pathology assistant in its jurisdiction if at least one of the grounds for that discipline ~~revocation~~ is the same as or the equivalent of one of the grounds for discipline ~~revocation~~ set forth herein.

(o) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(p) Gross or repeated malpractice ~~resulting in injury or death of an individual~~.

(q) Willfully making or filing false records or reports in his or her practice as a speech-language pathologist, speech-language pathology assistant, or audiologist, including, but not limited to, false records to support claims against the public assistance program of the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid).

(r) Professional incompetence as manifested by poor standards of care or mental incompetence as declared by a court of competent jurisdiction.

(s) Repeated irregularities in billing a third party for services rendered to an individual. For purposes of this Section, "irregularities in billing" shall include:

(i) reporting excessive charges for the purpose of obtaining a total payment in excess of that usually received by the speech-language pathologist, speech-language pathology assistant, or audiologist for the services rendered;

(ii) reporting charges for services not rendered; or

(iii) incorrectly reporting services rendered for the purpose of obtaining payment not earned.

(t) (Blank).

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

(v) Inability ~~Physical illness, including but not limited to deterioration through the aging process or loss of motor skill, mental illness, or disability that results in the inability~~ to practice ~~the profession~~ with reasonable judgment, skill, or safety as a result of habitual or excessive use of or addiction to alcohol, narcotics, or stimulants or any other chemical agent or drug or as a result of physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill, mental illness, or disability.

(w) Violation of the Hearing Instrument Consumer Protection Act.

(x) Failure by a speech-language pathology assistant and supervising speech-language pathologist to comply with the supervision requirements set forth in Section 8.8.

(y) Wilfully exceeding the scope of duties customarily undertaken by speech-language pathology assistants set forth in Section 8.7 that results in, or may result in, harm to the public.

(2) The Department shall deny a license or renewal authorized by this Act to any person who has defaulted on an educational loan guaranteed by the Illinois State Scholarship Commission; however, the Department may issue a license or renewal if the aforementioned persons have established a satisfactory repayment record as determined by the Illinois State Scholarship Commission.

(3) The entry of an order by a circuit court establishing that any person holding a license under this Act

is subject to involuntary admission or judicial admission as provided for in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension of that license. That person may have his or her license restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient, and upon the Board's recommendation to the Department that the license be restored. Where the circumstances so indicate, the Board may recommend to the Department that it require an examination prior to restoring any license automatically suspended under this subsection.

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

(5) In enforcing this Section, the Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The individual to be examined may have, at his or her own expense, another physician or clinical psychologist of his or her choice present during all aspects of this examination. Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

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

In instances in which the Secretary ~~Director~~ immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Board within 15 days after the suspension and completed without appreciable delay. The Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

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

(Source: P.A. 91-949, eff. 2-9-01; 92-510, eff. 6-1-02; revised 12-15-05.)

(225 ILCS 110/17) (from Ch. 111, par. 7917)

(Section scheduled to be repealed on January 1, 2008)

Sec. 17. Investigations; notice; hearings ~~of hearing~~. Licenses may be refused, revoked, or suspended in the manner provided by this Act and not otherwise. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts that if proven would constitute grounds for refusal to issue, suspend, or revoke under this Act, investigate the actions of any person applying for, holding, or claiming to hold a license.

The Department shall, before refusing to issue or renew or suspending or revoking any license or taking other disciplinary action pursuant to Section 16 of this Act, and at least 30 days prior to the date set for the hearing, notify, in writing, the applicant for or the holder of such license of any charges made, afford the accused person an opportunity to be heard in person or by counsel in reference thereto, and direct the applicant or licensee to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will result in default being taken against the applicant or licensee and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Secretary may deem proper. Written notice may be served by delivery of the same personally to the accused person or by mailing the same by certified mail to his or her last known place of residence or to the place of business last specified by the accused person in his or her last notification to the

Department. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

At the time and place fixed in the notice, the Board shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present, in person or by counsel, any statements, testimony, evidence, and arguments as may be pertinent to the charges or to their defense. The Board may continue such hearing from time to time. If the Board is not sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Department shall continue such hearing for a period not to exceed 30 days. ~~Upon the motion of either the Department or the Board or upon the verified complaint in writing of any person setting forth facts that if proven would constitute grounds for refusal to issue, suspension, or revocation of a license or for taking any other disciplinary action with regard to a license under this Act, the Department shall investigate the actions of any person, hereinafter called the "licensee", who holds or represents that he or she holds a license. All such motions or complaints shall be brought to the Board.~~

~~The Director shall, before refusing to issue, suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Director may deem proper with regard to any license, at least 30 days prior to the date set for the hearing, notify the licensee in writing of any charges made and the time and place for a hearing of the charges before the Board. The Board shall also direct him to file his or her written answer thereto with the Board under oath within 20 days after the service on him of such notice, and inform him that if he or she fails to file such answer, his or her license may be suspended, revoked, placed on probationary status or other disciplinary action may be taken with regard thereto, including limiting the scope, nature or extent of his or her practice as the Director may deem proper.~~

~~Such written notice and any notice in such proceeding thereafter may be served by delivery personally to the licensee, or by registered or certified mail to the address specified by the licensee in his or her last notification to the Director.~~

(Source: P.A. 90-69, eff. 7-8-97.)

(225 ILCS 110/18) (from Ch. 111, par. 7918)

(Section scheduled to be repealed on January 1, 2008)

Sec. 18. Temporary suspension of license ~~Disciplinary actions~~. ~~(a) In case the licensee, after receiving notice, fails to file an answer, his or her license may, in the discretion of the Director, having first received the recommendation of the Board, be suspended, revoked, placed on probationary status or the Director may take whatever disciplinary action he or she may deem proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. (b)~~ The Secretary ~~Director~~ may temporarily suspend the license of a speech-language pathologist, speech-language pathology assistant, or audiologist without a hearing, simultaneous to the institution of proceedings for a hearing under this Act, if the Secretary ~~Director~~ finds that evidence in his or her possession indicates that a speech-language pathologist's, speech-language pathology assistant's, or an audiologist's continuation in practice would constitute an immediate danger to the public. In the event that the Secretary ~~Director~~ temporarily suspends the license of a speech-language pathologist, speech-language pathology assistant, or audiologist without a hearing, a hearing by the Board must be held within 15 days after such suspension has occurred and concluded without appreciable delay.

(Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/19) (from Ch. 111, par. 7919)

(Section scheduled to be repealed on January 1, 2008)

Sec. 19. Subpoenas; depositions; oaths ~~Hearings~~. ~~At the time and place fixed in the notice under Section 17, the Board shall proceed to hear the charges and both the licensee and the complainant shall be accorded ample opportunity to present in person, or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Board may continue such hearing from time to time. If the Board is not sitting at the time and place fixed in the notice or at the time and place to which the hearing has been continued, the Department shall continue such hearing for a period not to exceed 30 days.~~

The ~~Board and~~ Department has the ~~shall have~~ power to subpoena documents, books, records, or other materials and bring before it ~~the Board~~ any person ~~in this State~~ and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as ~~is~~ prescribed in civil cases in

the courts of this State ~~by law pursuant to "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto", approved March 28, 1874, as amended~~.

The Secretary, the designated hearing officer, ~~Director~~ and every ~~any~~ member of the Board has the ~~shall have~~ power to administer oaths to witnesses at any hearing that ~~which~~ the Department ~~or Board~~ is authorized ~~by law~~ to conduct and any other oaths authorized in any Act administered by the Department.
(Source: P.A. 85-1391.)

(225 ILCS 110/20) (from Ch. 111, par. 7920)

(Section scheduled to be repealed on January 1, 2008)

Sec. 20. Attendance of Witnesses, Production of Documents. Any circuit court, upon the application of the ~~licensee or complainant or of the~~ Department or designated hearing officer ~~or Board~~, 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 ~~relevant books and papers before the Board in any hearing relative to the application for or refusal, recall, suspension or revocation of a license~~. The court may compel obedience to its order by proceedings for contempt.
(Source: P.A. 85-1391.)

(225 ILCS 110/21) (from Ch. 111, par. 7921)

(Section scheduled to be repealed on January 1, 2008)

Sec. 21. Findings and recommendations ~~Recommendations for disciplinary action~~. At the conclusion of a hearing, the Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding of whether or not the accused person violated this 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 Secretary.

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, 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 otherwise disciplining a licensee. If the Secretary disagrees with the recommendations of the Board, the Secretary may issue an order in contravention of the Board recommendations. Board findings are not admissible as evidence against the person in a criminal prosecution brought for a violation of this Act; however, the hearing and findings shall not serve as a bar to criminal prosecution brought for a violation of this Act. ~~The Board may advise the Director that probation be granted or that other disciplinary action, including the limitation of the scope, nature or extent of a person's practice, be taken, as it deems proper. If disciplinary action other than suspension or revocation is taken, the Board may advise the Director to impose reasonable limitations and requirements upon the licensee to insure compliance with the terms of the probation or other disciplinary action, including, but not limited to, regular reporting by the licensee to the Director of his or her actions, or the licensee placing himself under the care of a qualified physician for treatment or limiting his or her practice in such manner as the Director may require.~~

~~The Board shall present to the Director a written report of its findings and recommendations. A copy of such report shall be served upon the licensee, either personally or by registered or certified mail. Within 20 days after such service, the licensee may present to the Department his or her motion in writing for a rehearing, specifying the particular grounds therefor. If the licensee orders and pays for a transcript of the record, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such 20 days.~~

~~At the expiration of the time allowed for filing a motion for rehearing, the Director may take the action recommended by the Board. Upon suspension, revocation, placement on probationary status, or the taking of any other disciplinary action, including the limiting of the scope, nature, or extent of one's practice, deemed proper by the Director, with regard to the license, the licensee shall surrender his or her license to the Department if ordered to do so by the Department and upon his or her failure or refusal to do so, the Department may seize such license.~~

~~In all instances under this Act in which the Board has rendered a recommendation to the Director with~~

~~respect to a particular person, the Director shall notify the Board if he or she disagrees with or takes action contrary to the recommendation of the Board.~~

~~Each order of revocation, suspension or other disciplinary action shall contain a brief and concise statement of the ground or grounds upon which the Department's action is based, as well as the specific terms and conditions of such action.~~

(Source: P.A. 90-69, eff. 7-8-97)

(225 ILCS 110/21.1 new)

Sec. 21.1. Board; rehearing. At the conclusion of the hearing, a copy of the Board's report shall be served upon the applicant or licensee 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 may present to the Department a motion, in writing, for a rehearing, which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon denial, the Secretary may enter an order in accordance with recommendations of the Board except as provided in Section 22 of this Act. If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.

(225 ILCS 110/21.2 new)

Sec. 21.2. Secretary; rehearing. Whenever the Secretary believes that substantial justice has not been done in the revocation, suspension, or refusal to issue, restore, or renew a license or other discipline of an applicant or licensee, he or she may order a rehearing by the same or other examiners.

(225 ILCS 110/22) (from Ch. 111, par. 7922)

(Section scheduled to be repealed on January 1, 2008)

Sec. 22. Appointment of a hearing officer. The Secretary ~~Director~~ shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer for any action for refusal to issue, renew or discipline of a license. The hearing officer shall have full authority to conduct the hearing. Board members may attend hearings. The hearing officer shall report his or her findings and recommendations to the Board and the Secretary ~~Director~~. The Board shall ~~have 60 days after 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 Secretary and to all parties to the proceedings ~~Director~~. ~~If the Board fails to present its report within the 60 day period, the Director may issue an order based on the report of the hearing officer.~~ If the Secretary ~~Director~~ disagrees in any regard with the Board's report, he or she may issue an order in contravention of the Board's report.

(Source: P.A. 90-69, eff. 7-8-97.)

(225 ILCS 110/23) (from Ch. 111, par. 7923)

(Section scheduled to be repealed on January 1, 2008)

Sec. 23. Restoration. At any time after suspension, revocation, placement on probationary status, or the taking of any other disciplinary action with regard to any license, the Department may restore the license, or take any other action to reinstate the license to good standing~~, without examination,~~ 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. 85-1391.)

(225 ILCS 110/24) (from Ch. 111, par. 7924)

(Section scheduled to be repealed on January 1, 2008)

Sec. 24. Review under the Administrative Review Law ~~- Application~~.

All final administrative decisions of the Department hereunder shall be ~~are~~ subject to judicial review pursuant to the provisions of the Administrative Review Law and all amendments and modifications thereof and rules adopted thereto ~~Article III of the Code of Civil Procedure, and the rules adopted pursuant thereto~~. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

~~Such proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if such party is not a resident of this State, the venue shall be in Sangamon County.~~

~~The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be computed at the rate of 20 cents per page of such record. Exhibits shall be~~

~~certified without cost. Failure on the part of the plaintiff to file such receipt in court shall be grounds for dismissal of the action. During the pendency and hearing of any and all judicial proceedings incident to such disciplinary action, any sanctions imposed upon the licensee by the Department shall remain in full force and effect.~~

(Source: P.A. 85-1391.)

(225 ILCS 110/24.1 new)

Sec. 24.1. Certifications of record; costs. The Department shall not be required to certify any record to the court, to file an answer in court, or to otherwise appear in any court in a judicial review proceeding unless there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Failure on the part of the plaintiff to file the receipt in court is grounds for dismissal of the action.

(225 ILCS 110/25) (from Ch. 111, par. 7925)

(Section scheduled to be repealed on January 1, 2008)

Sec. 25. Order or certified copy; prima facie proof ~~Revocation Orders~~. An order ~~of revocation, suspension, placement on probationary status or other formal disciplinary action as the Department may deem proper,~~ or ~~a~~ certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary ~~Director of the Department~~, is prima facie proof that:

(a) the ~~such~~ signature is the genuine signature of the Secretary ~~Director~~;

(b) the Secretary ~~Director~~ is duly appointed and qualified; and

(c) the Board and its ~~the~~ members ~~thereof~~ are qualified to act.

(Source: P.A. 85-1391.)

(225 ILCS 110/28) (from Ch. 111, par. 7928)

(Section scheduled to be repealed on January 1, 2008)

Sec. 28. Injunction. The practice of speech-language pathology or audiology by any person not holding a valid and current license under this Act or a person performing the functions and duties of a speech-language pathology assistant without a valid and current license under this Act, is declared to be inimical to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare. The Secretary ~~Director~~, the Attorney General, the State's attorney of any county in the State or any person may maintain an action in the name of the People of the State of Illinois, and may apply for an injunction in any circuit court to enjoin any such person from engaging in such practice. Upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person has been engaged in such practice without a valid and current license, may issue a temporary injunction without notice or bond, enjoining the defendant from any such further practice. Only the showing of nonlicensure, by affidavit or otherwise, is necessary in order for a temporary injunction to issue. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases except as modified by this Section. If it is established that the defendant has been, or is engaged in any such unlawful practice, the court, or any judge thereof, may enter an order or judgment perpetually enjoining the defendant from further such practice. In all proceedings hereunder, the court, in its discretion, may apportion the costs among the parties interested in the suit, including cost of filing the complaint, service of process, witness fees and expenses, court reporter charges and reasonable attorneys' fees. In case of violation of any injunction issued under the provisions of this Section, the court or any judge thereof may summarily try and punish the offender for contempt of court. Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Act.

(Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/28.5)

(Section scheduled to be repealed on January 1, 2008)

Sec. 28.5. Cease and desist order. If any person violates the provisions of this Act, the Secretary ~~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.

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. 90-69, eff. 7-8-97.)

(225 ILCS 110/29) (from Ch. 111, par. 7929)

(Section scheduled to be repealed on January 1, 2008)

Sec. 29. Penalty of unlawful practice - second and subsequent offenses. Any person who practices or offers to practice speech-language pathology or audiology or performs the functions and duties of a speech-language pathology assistant in this State without being licensed for that purpose, or whose license has been suspended or revoked, or who violates any of the provisions of this Act, for which no specific penalty has been provided herein, is guilty of a Class A misdemeanor.

Any person who has been previously convicted under any of the provisions of this Act and who subsequently violates any of the provisions of this Act is guilty of a Class 4 felony. In addition, whenever any person is punished as a subsequent offender under this Section, the Secretary ~~Director~~ shall proceed to obtain a permanent injunction against such person under Section 29 of this Act.
(Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/26 rep.)

Section 15. The Illinois Speech-Language Pathology and Audiology Practice Act is amended by repealing Section 26.

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

AMENDMENT NO. 2. Amend House Bill 121, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 14, by replacing lines 5 through 8 with the following:

"fee; and (ii) demonstrate that he or she has completed a minimum ~~obtained the equivalent~~ of 20 hours of continuing education and met any additional continuing education requirements established by the Department by rule ~~if the licensee has been inactive for 5 years or more~~.".

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 122, 123, 125, 126, 127 and 128.

HOUSE BILL 425. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 425 by replacing everything after the enacting clause with the following:

"Section 5. The Structural Pest Control Act is amended by changing Section 10.2 as follows:

(225 ILCS 235/10.2) (from Ch. 111 1/2, par. 2210.2)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10.2. Integrated pest management guidelines; notification; training of designated persons; request for copies.

(a) The Department shall prepare guidelines for an integrated pest management program for structural pest control practices at school buildings and other school facilities and day care centers. Such guidelines shall be made available to schools, day care centers and the public upon request.

(b) When economically feasible, each school and day care center is required to develop and implement ~~adopt~~ an integrated pest management program that incorporates the guidelines developed by the Department. Each school and day care center must notify the Department, within one year after the effective date of this amendatory Act of the 95th General Assembly and every 5 years thereafter, on forms provided by the Department that the school or day care center has developed and is implementing an integrated pest management program ~~If adopting an integrated pest management program would not be economically feasible because it would result in an increase in the school's or day care center's pest control cost, the school district or day care center must provide written notification to the Department. The~~

~~notification must include projected pest control costs for the term of the pest control program and projected costs for implementing integrated pest management for that same time period. The Department shall make this notification available to the general public upon request~~. In implementing an integrated pest management program, a school or day care center must assign a ~~employee should be~~ designated person to assume responsibility for the oversight of pest management practices in that school or day care center and for recordkeeping requirements.

(b-1) If adopting an integrated pest management program is not economically feasible because such adoption would result in an increase in the pest control costs of the school or day care center, the school or day care center must provide, within one year after the effective date of this amendatory Act of the 95th General Assembly and every 5 years thereafter, written notification to the Department, on forms provided by the Department, that the development and implementation of an integrated pest management program is not economically feasible. The notification must include projected pest control costs for the term of the pest control program and projected costs for implementing an integrated pest management program for that same time period.

(b-2) Each school or day care center that provides written notification to the Department that the adoption of an integrated pest management program is not economically feasible pursuant to subsection (b-1) of this Section must have its designated person attend a training course on integrated pest management within one year after the effective date of this amendatory Act of the 95th General Assembly, and every 5 years thereafter until an integrated pest management program is developed and implemented in the school or day care center. The training course shall be approved by the Department in accordance with the minimum standards established by the Department under this Act.

(b-3) Each school and day care center shall ensure that all parents, guardians, and employees are notified at least once each school year that the notification requirements established by this Section have been met. The school and day care center shall keep copies of all notifications required by this Section and any written integrated pest management program plan developed in accordance with this Section and make these copies available for public inspection at the school or day care center.

(c) The Structural Pest Control Advisory Council shall assist the Department in developing the guidelines for integrated pest management programs. In developing the guidelines, the Council shall consult with individuals knowledgeable in the area of integrated pest management.

(d) The Department, with the assistance of the Cooperative Extension Service and other relevant agencies, may prepare a training program for school or day care center pest control specialists.

(e) The Department may request copies of a school's or day care center's integrated pest management program plan and notification required by this Act and offer assistance and training to schools and day care centers on integrated pest management programs.

(f) The requirements of this Section are subject to appropriation to the Department for the implementation of integrated pest management programs.

(Source: P.A. 93-381, eff. 7-1-04.)

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 427. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Judiciary II - Criminal Law, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 427 on page 12, by deleting line 17; and
on page 12, line 18, by replacing "(3)" with "(2)"; and
on page 12, line 23, by replacing "(4)" with "(3)"; and
on page 12, line 25, by replacing "(4)" with "(3)"; and
on page 13, line 2, by replacing "(5)" with "(4)"; and
on page 13, line 17, by replacing "(5)" with "(4)"; and
on page 14, line 1, by replacing "(6)" with "(5)".

AMENDMENT NO. 2. Amend House Bill 427 on page 13, by deleting lines 2 through 26; and
on page 14, line 1, by replacing "(6)" with "(5)".

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 456. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 456 on page 2, line 4, by replacing "10,000" with "40,000"; and
on page 2, line 7, by replacing "10,000" with "40,000"; and
on page 2, line 10, by inserting after "40 years" the following:
"and for which a fine not to exceed $300,000 may be imposed".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 457.

HOUSE BILL 496. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment & Energy, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 496 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Section 3.160 as follows:

(415 ILCS 5/3.160) (was 415 ILCS 5/3.78 and 3.78a)

Sec. 3.160. Construction or demolition debris.

(a) "General construction or demolition debris" means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and piping or metals incidental to any of those materials.

General construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any general construction or demolition debris or other waste.

To the extent allowed by federal law, uncontaminated concrete with protruding rebar shall be considered clean construction or demolition debris and shall not be considered "waste" if it is separated or processed and returned to the economic mainstream in the form of raw materials or products within 4 years of its generation, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) in subsection (b) of this Section ~~within 30 days of its generation~~.

(b) "Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed or other asphalt pavement, or soil generated from construction or demolition activities.

Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste.

To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is (i) used as fill material outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, or (ii) separated or processed and returned to the economic mainstream in

the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) ~~within 30 days of its generation~~, or (iii) solely broken concrete without protruding metal bars used for erosion control, or (iv) generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a manmade functional structure not to exceed 20 feet above the highest point of elevation of the property immediately adjacent to the new manmade functional structure as that elevation existed prior to the creation of that new structure, provided that the structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such structure shall be constructed within a home rule municipality with a population over 500,000 without the consent of the municipality.

For purposes of this subsection (b), reclaimed or other asphalt pavement shall not be considered speculatively accumulated if: (i) it is not commingled with any other clean construction or demolition debris or any waste; (ii) it is returned to the economic mainstream in the form of raw materials or products within 4 years after its generation; (iii) at least 25% of the total amount present at a site during a calendar year is transported off of the site during the next calendar year; and (iv) if used as a fill material, it is used in accordance with item (i) of the second paragraph of this subsection (b).

(Source: P.A. 93-179, eff. 7-11-03; 94-272, eff. 7-19-05.)

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 536. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Disability Services, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 536, on page 7, by replacing line 16 with the following:

"The owner must obtain a ~~It must be~~ certified statement or letter written"; and

on page 8, line 7, by replacing "The person" with "The owner ~~person~~".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 537 and 549.

HOUSE BILL 552. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 552, on page 4, line 3, by replacing "Code." with "Code, and for the release of the vehicle to a lienholder of record upon payment of all towing charges.".

Representative Froehlich offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 552, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, lines 4 and 5, by replacing "towing charges" with "administrative fees".

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 553. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 553 by replacing everything after the enacting clause with the following:

"Section 5. The Park District Code is amended by changing Section 8-1 as follows:

(70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

Sec. 8-1. General corporate powers. Every park district shall, from the time of its organization, be a body corporate and politic by such name as set forth in the petition for its organization or such name as it may adopt under Section 8-8 hereof and shall have and exercise the following powers:

(a) To adopt a corporate seal and alter the same at pleasure; to sue and be sued; and to contract in furtherance of any of its corporate purposes.

(b) (1) To acquire by gift, legacy, grant or purchase, or by condemnation in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act, any and all real estate, or rights therein necessary for building, laying out, extending, adorning and maintaining any such parks, boulevards and driveways, or for effecting any of the powers or purposes granted under this Code as its board may deem proper, whether such lands be located within or without such district; but no park district, except as provided in paragraph (2) of this subsection, shall have any power of condemnation in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act or otherwise as to any real estate, lands, riparian rights or estate, or other property situated outside of such district, but shall only have power to acquire the same by gift, legacy, grant or purchase, and such district shall have the same control of and power over lands so acquired without the district as over parks, boulevards and driveways within such district.

(2) In addition to the powers granted in paragraph (1) of subsection (b), a park district located in more than one county, the majority of its territory located in a county over 450,000 in population and none of its territory located in a county over 1,000,000 in population, shall have condemnation power in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act or as otherwise granted by law as to any and all real estate situated up to one mile outside of such district which is not within the boundaries of another park district.

(c) To acquire by gift, legacy or purchase any personal property necessary for its corporate purposes provided that all contracts for supplies, materials or work involving an expenditure in excess of $20,000 shall be let to the lowest responsible bidder after due advertisement. No district shall be required to accept a bid that does not meet the district's established ~~, considering conformity with~~ specifications, terms of delivery, quality, and serviceability requirements. Contracts which, by their nature, ~~after due advertisement, excepting contracts which by their nature~~ are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, contracts for the printing of finance committee reports and departmental reports, contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness, contracts for utility services such as water, light, heat, telephone or telegraph, contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, or services, contracts for duplicating machines and supplies, contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by some entity other than the district itself, and contracts for the purchase of magazines, books, periodicals, pamphlets and reports are not subject to competitive bidding. Contracts for emergency expenditures are also exempt from competitive bidding when the ~~and excepting where funds are expended in an emergency and such~~ emergency expenditure is approved by 3/4 of the members of the board.

All competitive bids for contracts involving an expenditure in excess of $20,000 must be sealed by the bidder and must be opened by a member or employee of the park board at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days notice of the time and place of the bid opening.

For purposes of this subsection, "due advertisement" includes, but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district or, if no newspaper is published in the district, in a newspaper of general circulation in the area of the district.

(d) To pass all necessary ordinances, rules and regulations for the proper management and conduct of the

business of the board and district and to establish by ordinance all needful rules and regulations for the government and protection of parks, boulevards and driveways and other property under its jurisdiction, and to effect the objects for which such districts are formed.

(e) To prescribe such fines and penalties for the violation of ordinances as it shall deem proper not exceeding $1,000 for any one offense, which fines and penalties may be recovered by an action in the name of such district in the circuit court for the county in which such violation occurred. The park district may also seek in the action, in addition to or instead of fines and penalties, an order that the offender be required to make restitution for damage resulting from violations, and the court shall grant such relief where appropriate. The procedure in such actions shall be the same as that provided by law for like actions for the violation of ordinances in cities organized under the general laws of this State, and offenders may be imprisoned for non-payment of fines and costs in the same manner as in such cities. All fines when collected shall be paid into the treasury of such district.

(f) To manage and control all officers and property of such districts and to provide for joint ownership with one or more cities, villages or incorporated towns of real and personal property used for park purposes by one or more park districts. In case of joint ownership, the terms of the agreement shall be fair, just and equitable to all parties and shall be set forth in a written agreement entered into by the corporate authorities of each participating district, city, village or incorporated town.

(g) To secure grants and loans, or either, from the United States Government, or any agency or agencies thereof, for financing the acquisition or purchase of any and all real estate, or rights therein, or for effecting any of the powers or purposes granted under this Code as its Board may deem proper.

(h) To establish fees for the use of facilities and recreational programs of the districts and to derive revenue from non-resident fees from their operations. Fees charged non-residents of such district need not be the same as fees charged to residents of the district. Charging fees or deriving revenue from the facilities and recreational programs shall not affect the right to assert or utilize any defense or immunity, common law or statutory, available to the districts or their employees.

(i) To make contracts for a term exceeding one year, but not to exceed 3 years, notwithstanding any provision of this Code to the contrary, relating to: (1) the employment of a park director, superintendent, administrator, engineer, health officer, land planner, finance director, attorney, police chief, or other officer who requires technical training or knowledge; (2) the employment of outside professional consultants such as engineers, doctors, land planners, auditors, attorneys, or other professional consultants who require technical training or knowledge; and (3) the provision of data processing equipment and services. With respect to any contract made under this subsection (i), the corporate authorities shall include in the annual appropriation ordinance for each fiscal year an appropriation of a sum of money sufficient to pay the amount which, by the terms of the contract, is to become due and payable during that fiscal year.

(j) To enter into licensing or management agreements with not-for-profit corporations organized under the laws of this State to operate park district facilities if the corporation covenants to use the facilities to provide public park or recreational programs for youth.

(Source: P.A. 93-897, eff. 1-1-05; 94-1055, eff. 1-1-07.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 559.

HOUSE BILL 570. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Aging, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 570 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Act on the Aging is amended by adding Section 4.08 as follows:

(20 ILCS 105/4.08 new)

Sec. 4.08. Rural and small town meals program. Subject to appropriation, the Department may establish a program to ensure the availability of congregate or home-delivered meals in communities with populations of under 5,000 that are not located within the large urban counties of Cook, DuPage, Kane,

Lake, Madison, McHenry, St. Clair, or Will. The Department may meet the requirements of this Section by entering into contractual agreements with local providers of nutritional services, which may include, but need not be limited to, restaurants, cafes, churches, facilities licensed under the Nursing Home Care Act or the Assisted Living and Shared Housing Act, facilities certified by the Department of Healthcare and Family Services, and senior centers. Support provided shall be in the form of grants. The Department shall request any necessary waivers of federal requirements in order to allow receipt of federal funds for implementing the program.

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 579.

HOUSE BILL 626. Having been reproduced, was taken up and read by title a second time.

Representative Harris offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 626 on page 4, line 3, by inserting "paragraph (a) of Section 1 of the Solicitation for Charity Act or" after "in".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 630, 635 and 636.

HOUSE BILL 639. Having been recalled on March 8, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Brauer offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 639 on page 1, in line 9 by inserting "or clinic" after "hospital".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 150 and 656.

HOUSE BILL 663. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation and Motor Vehicles, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 663, on page 3, by replacing line 4 with the following: "the offense; -

14. Any offense against any provision in the Illinois Vehicle Code, or any local ordinance, regulating the

movement of traffic, that has caused or contributed to an accident resulting in the death of any person."; and
on page 3, by replacing lines 15 through 19 with the following:
"or permit.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 679.

HOUSE BILL 683. Having been reproduced, was taken up and read by title a second time.
Representative Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 683 by replacing line 23 on page 1 through line 1 on page 2 with the following:
"facilities, including grants to serve unincorporated areas in any county; refinancing or retiring".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 729. Having been reproduced, was taken up and read by title a second time.
The following amendment was offered in the Committee on State Government Administration, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 729 by replacing everything after the enacting clause with the following:
"Section 5. The Cycle Rider Safety Training Act is amended by changing Section 6 as follows:
(625 ILCS 35/6) (from Ch. 95 1/2, par. 806)
Sec. 6. To finance the Cycle Rider Safety Training program and to pay the costs thereof, the Secretary of State will hereafter deposit with the State Treasurer an amount equal to each annual fee and each reduced fee, for the registration of each motorcycle, motor driven cycle and motorized pedalcycle processed by the Office of the Secretary of State during the preceding quarter as required in subsection (d) of Section 2-119 of the Illinois Vehicle Code, which amount the State Comptroller shall transfer quarterly to a trust fund outside of the State treasury to be known as the Cycle Rider Safety Training Fund, which is hereby created. In addition, the Department may accept any federal, State, or private moneys for deposit into the Fund and shall be used by the Department only for the expenses of the Department in administering the provisions of this Act, for funding of contracts with approved Regional Cycle Rider Safety Training Centers for the conduct of courses, or for any purpose related or incident thereto and connected therewith, notwithstanding any other law to the contrary adopted after the effective date of this amendatory Act of the 95th General Assembly.
(Source: P.A. 86-1005; 87-838; 87-1217.)
Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 773. Having been reproduced, was taken up and read by title a second time.
The following amendment was offered in the Committee on Labor, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 773 by replacing everything after the enacting clause

with the following:

"Section 5. The Prevailing Wage Act is amended by changing Sections 2, 3, 4, 6, 9, 11, and 11b as follows:

(820 ILCS 130/2) (from Ch. 48, par. 39s-2)

Sec. 2. This Act applies to the wages of laborers, mechanics and other workers employed in any public works, as hereinafter defined, by any public body and to anyone under contracts for public works.

As used in this Act, unless the context indicates otherwise:

"Public works" means all fixed works constructed by any public body, other than work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Economic Development Area Tax Increment Allocation Act, the Industrial Building Revenue Bond Act, the Illinois Finance Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act, and all projects financed in whole or in part with loans or other funds made available pursuant to the Build Illinois Act. "Public works" also includes all projects financed in whole or in part with funds from the Fund for Illinois' Future under Section 6z-47 of the State Finance Act, funds for school construction under Section 5 of the General Obligation Bond Act, funds authorized under Section 3 of the School Construction Bond Act, funds for school infrastructure under Section 6z-45 of the State Finance Act, and funds for transportation purposes under Section 4 of the General Obligation Bond Act. "Public works" also includes all projects financed in whole or in part with funds from the Department of Commerce and Economic Opportunity under the Illinois Renewable Fuels Development Program Act for which there is no project labor agreement. "Public works" also includes all projects at leased facility property used for airport purposes under Section 35 of the Local Government Facility Lease Act and all projects financed in whole or in part with loans or other funds made available pursuant to the Illinois Enterprise Zone Act.

"Construction" means all work on public works involving laborers, workers or mechanics.

"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be accessible for work on such construction.

"Public body" means the State or any officer, board or commission of the State or any political subdivision or department thereof, or any institution supported in whole or in part by public funds, and includes every county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district and every other political subdivision, district or municipality of the state whether such political subdivision, municipality or district operates under a special charter or not.

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works.

"Contractor" or "subcontractor" means any person or entity who undertakes to, offers to undertake to, purports to have the capacity to undertake to, submits a bid to, or does himself or herself or by or through others, engage in a public works.

(Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04; 93-205, eff. 1-1-04; 94-750, eff. 5-9-06.)

(820 ILCS 130/3) (from Ch. 48, par. 39s-3)

Sec. 3. Not less than the general prevailing rate of hourly wages for work of a similar character on public works in the locality in which the work is performed, and not less than the general prevailing rate of hourly wages for legal holiday and overtime work, shall be paid to all laborers, workers and mechanics employed by or on behalf of any public body engaged in the construction of public works. Laborers ~~Only such laborers~~, workers and mechanics ~~as are~~ directly employed by contractors or subcontractors in actual construction work on the site of the building or construction job shall be deemed to be employed upon public works. The site of the building or construction job shall also include a facility dedicated to the performance of the contract or project and located in such proximity to the actual construction location that

would be reasonable to include them. Laborers, ~~and laborers,~~ workers and mechanics engaged in the transportation of materials and equipment to or from the site, but not including the transportation by the sellers and suppliers or the manufacture or processing of materials or equipment, in the execution of any contract or contracts for public works with any public body shall also be deemed to be employed upon public works. The wage for a tradesman performing maintenance is equivalent to that of a tradesman engaged in construction. All contractors and subcontractors required to pay the prevailing wage under this Act shall make payment of such wages in legal tender, without any deduction for food, sleeping accommodations, transportation, use of tools, or any other thing of any kind or description.
(Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04.)

(820 ILCS 130/4) (from Ch. 48, par. 39s-4)

Sec. 4. (a) The public body awarding any contract for public works ~~work~~ or otherwise undertaking any public works, shall ascertain the general prevailing rate of hourly wages in the locality in which the work is to be performed, for each craft or type of worker or mechanic needed to execute the contract, and where the public body performs the work without letting a contract therefor, shall ascertain the prevailing rate of wages on a per hour basis in the locality . Such ~~, and such~~ public body shall specify in the resolution or ordinance and in the call for bids for the contract, that the general prevailing rate of wages in the locality for each craft or type of worker or mechanic needed to execute the contract or perform such work, also the general prevailing rate for legal holiday and overtime work, as ascertained by the public body or by the Department of Labor shall be paid for each craft or type of worker needed to execute the contract or to perform such work . ~~, and it~~

(b) It shall be mandatory upon the contractor to whom the contract is awarded and upon any subcontractor under him, and where the public body performs the work, upon the public body, to pay not less than the specified rates to all laborers, workers and mechanics employed by them in the execution of the contract or such work; provided, however, that if the public body desires that the Department of Labor ascertain the prevailing rate of wages, it shall notify the Department of Labor to ascertain the general prevailing rate of hourly wages for work under contract, or for work performed by a public body without letting a contract as required in the locality in which the work is to be performed, for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. Upon such notification the Department of Labor shall ascertain such general prevailing rate of wages, and certify the prevailing wage to such public body.

(c) The public body awarding the contract shall cause to be inserted in the project specifications and the contract a stipulation to the effect that not less than the prevailing rate of wages as found by the public body or Department of Labor or determined by the court on review shall be paid to all laborers, workers and mechanics performing work under the contract.

(d) When a public body or other entity covered by this Act contracts for work with a contractor without a public bid or project specification, such public body or other entity shall provide the contractor with a written notice that the prevailing wage is required to be paid on the project as a statement on the purchase order related to the work to be done or on a separate document.

(e) Where a complaint has been made and the Department has determined that a violation has occurred, the Department shall determine if proper notice under this Section 4 was given. If proper notice was not provided to the contractor by the public body, the Department shall order the public body to pay any back wages, interest, penalties or fines owed by the contractor to all laborers, mechanics and other workers who performed work on the project. For the purposes of this subsection back wages shall be limited to the difference between the actual amount paid and the prevailing wages required to be paid for the project. A contractor shall not be deemed in violation of this Act if proper notice pursuant to this Section 4 is not provided. The failure to provide notice by a public body does not diminish the right of a laborer, worker, or mechanic to the prevailing wage rate as determined under this Act.

(f) ~~(b)~~ It shall also be mandatory upon the contractor to whom the contract is awarded to insert into each subcontract and into the project specifications for each subcontract a written stipulation to the effect that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work under the contract. It shall also be mandatory upon each subcontractor to cause to be inserted into each lower tiered subcontract and into the project specifications for each lower tiered subcontract a stipulation to the effect that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work under the contract. A contractor or subcontractor who fails to comply with this subsection (f) ~~(b)~~ is in violation of this Act.

(g) When a contractor has awarded work to a subcontractor without a contract or without a contract specification, the contractor may comply with subsection (d) by providing a subcontractor a written

statement indicating that no less than the prevailing wage rate shall be paid to all laborers, mechanics and other workers performing work on the project. A contractor or subcontractor who fails to comply with this subsection (g) is in violation of this Act.

(h) Where a complaint has been made and the Department has determined that a violation has occurred, the Department shall determine if proper notice under this Section 4 was given. If proper notice was not provided to the subcontractor by the contractor, the Department shall order the contractor to pay any back wages, interest, penalties or fines owed by the subcontractor to all laborers, mechanics and other workers who performed work on the project. For the purposes of this subsection back wages shall be limited to the difference between the actual amount paid and the prevailing wages required for the project. A subcontractor shall not be deemed in violation of this Act if such notice is not provided. However, if proper notice was not provided to the contractor by the public body under subsections (a) or (b) of this Section 4, the Department shall order the public body to pay any back wages, interest, penalties or fines owed by the subcontractor to all laborers, mechanics and other workers who performed work on the project. The failure to provide notice by a public body or contractor does not diminish the right of a laborer, worker, or mechanic to prevailing wage rate as determined under this Act.

(i) ~~(c)~~ It shall also require in all such contractor's bonds that the contractor include such provision as will guarantee the faithful performance of such prevailing wage clause as provided by contract. All bid specifications shall list the specified rates to all laborers, workers and mechanics in the locality for each craft or type of worker or mechanic needed to execute the contract.

(j) ~~(d)~~ If the Department of Labor revises the prevailing rate of hourly wages to be paid by the public body, the revised rate shall apply to such contract . The public body or the Department of Labor shall make the revised rate of hourly wages available to the contractor and each subcontractor. The ~~, and the public body shall be responsible to notify the~~ contractor and each subcontractor shall notify its employees pursuant to this Act and pay the ~~, of the~~ revised rate.

~~(e) Two or more investigatory hearings under this Section on the issue of establishing a new prevailing wage classification for a particular craft or type of worker shall be consolidated in a single hearing before the Department. Such consolidation shall occur whether each separate investigatory hearing is conducted by a public body or the Department. The party requesting a consolidated investigatory hearing shall have the burden of establishing that there is no existing prevailing wage classification for the particular craft or type of worker in any of the localities under consideration.~~

(k) It shall be mandatory upon the contractor or construction manager to whom a contract for public works is awarded to post, at a location on the project site of the public works that is easily accessible to the workers engaged on the project, the prevailing wage rates for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. In lieu of posting on the project site of the public works, a contractor which has a business location where laborers, workers and mechanics regularly visit may: (1) post in a conspicuous location at that business the current prevailing wage rates for each county the contractor is performing work; or (2) provide such laborer, worker or mechanic engaged on the public works project a written notice indicating the prevailing wage rates for the public works project. A failure to post or provide a prevailing wage rate as required by this Section is a violation of this Act.

(l) The public body awarding any contract for a public works or otherwise undertaking any public works shall notify the Department of Labor in writing, on a form prescribed by the Department of Labor, whenever a contract subject to the provisions of this Act has been awarded. The notification mentioned herein shall be filed with the Department of Labor within 30 days after such contract is awarded or before commencement of the public works, and shall include a list of all first-tier subcontractors.

(Source: P.A. 92-783, eff. 8-6-02; 93-15, eff. 6-11-03; 93-16, eff. 1-1-04; 93-38, eff. 6-1-04; revised 10-29-04.)

(820 ILCS 130/6) (from Ch. 48, par. 39s-6)

Sec. 6. Any officer, agent or representative of any public body who wilfully violates, or omits to comply with, any of the provisions of this Act, and any contractor or subcontractor, or agent or representative thereof, doing public work as aforesaid, who wilfully violates, or omits to comply with, any of the provisions of this Act ~~neglects to keep, or cause to be kept, an accurate record of the names, occupation and actual wages paid to each laborer, worker and mechanic employed by him, in connection with the public work or who refuses to allow access to same at any reasonable hour to any person authorized to inspect same under this Act,~~ is guilty of a Class A misdemeanor.

The Department of Labor shall inquire diligently as to any violation of this Act, shall institute actions for penalties herein prescribed, and shall enforce generally the provisions of this Act. The Attorney General shall prosecute such cases upon complaint by the Department or any interested person.

(Source: P.A. 94-488, eff. 1-1-06.)

(820 ILCS 130/9) (from Ch. 48, par. 39s-9)

Sec. 9. To effectuate the purpose and policy of this Act each public body shall, during the month of June of each calendar year, investigate and ascertain the prevailing rate of wages as defined in this Act and publicly post or keep available for inspection by any interested party in the main office of such public body its determination of such prevailing rate of wage and shall promptly file, no later than July 15 of each year, a certified copy thereof in the office of the Secretary of State at Springfield and the office of the Illinois Department of Labor.

The Department of Labor shall during the month of June of each calendar year, investigate and ascertain the prevailing rate of wages for each county in the State. If a public body does not investigate and ascertain the prevailing rate of wages during the month of June as required by the previous paragraph, then the prevailing rate of wages for that public body shall be the rate as determined by the Department under this paragraph for the county in which such public body is located.

Where the Department of Labor ascertains the prevailing rate of wages, it is the duty of the Department of Labor within 30 days after receiving a notice from the public body authorizing the proposed work, to conduct an investigation to ascertain the prevailing rate of wages as defined in this Act and such investigation shall be conducted in the locality in which the work is to be performed. The Department of Labor shall send a certified copy of its findings to the public body authorizing the work and keep a record of its findings available for inspection by any interested party in the office of the Department of Labor at Springfield.

The public body except for the Department of Transportation with respect to highway contracts shall within 30 days after filing with the Secretary of State, or the Department of Labor shall within 30 days after filing with such public body, publish in a newspaper of general circulation within the area that the determination is effective, a notice of its determination and shall promptly mail a copy of its determination to any employer, and to any association of employers and to any person or association of employees who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

At any time within 30 days after the Department of Labor has published on its official web site a prevailing wage schedule, any person affected thereby may object in writing to the determination or such part thereof as they may deem objectionable by filing a written notice with the public body or Department of Labor, whichever has made such determination, stating the specified grounds of the objection. It shall thereafter be the duty of the public body or Department of Labor to set a date for a hearing on the objection after giving written notice to the objectors at least 10 days before the date of the hearing and said notice shall state the time and place of such hearing. Such hearing by a public body shall be held within 45 days after the objection is filed, and shall not be postponed or reset for a later date except upon the consent, in writing, of all the objectors and the public body. If such hearing is not held by the public body within the time herein specified, the Department of Labor may, upon request of the objectors, conduct the hearing on behalf of the public body.

The public body or Department of Labor, whichever has made such determination, is authorized ~~in its discretion~~ to hear each timely filed written objection. Two or more hearings under this Section on the issue of establishing a new prevailing wage classification for a particular craft or type of worker shall be consolidated in a single hearing before the Department. Such consolidation shall occur whether each separate hearing is conducted by a public body or the Department. The party requesting a consolidated hearing shall have the burden of establishing that there is no existing prevailing wage classification for the particular craft or type of worker in any of the localities under consideration ~~filed separately or consolidate for hearing any one or more written objections filed with them~~. At any ~~such~~ hearing under this Section, the public body or Department of Labor shall introduce in evidence the investigation it instituted which formed the basis of its determination, and the public body or Department of Labor, or any interested objectors may thereafter introduce such evidence as is material to the issue. Thereafter, the public body or Department of Labor, must rule upon the written objection and make such final determination as it believes the evidence warrants, and promptly file a certified copy of its final determination with such public body and the Secretary of State, and serve a copy by personal service or registered mail on all parties to the proceedings. The final determination by the Department of Labor or a public body shall be rendered within 30 days after the conclusion of the hearing.

If proceedings to review judicially the final determination of the public body or Department of Labor are not instituted as hereafter provided, such determination shall be final and binding.

The provisions of the Administrative Review Law, and all amendments and modifications thereof, and

the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of any public body or the Department of Labor hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Appeals from all final orders and judgments entered by the court in review of the final administrative decision of the public body or Department of Labor, may be taken by any party to the action.

Any proceeding in any court affecting a determination of the Department of Labor or public body shall have priority in hearing and determination over all other civil proceedings pending in said court, except election contests.

In all reviews or appeals under this Act, it shall be the duty of the Attorney General to represent the Department of Labor, and defend its determination. The Attorney General shall not represent any public body, except the State, in any such review or appeal.

(Source: P.A. 93-38, eff. 6-1-04.)

(820 ILCS 130/11) (from Ch. 48, par. 39s-11)

Sec. 11. (a) No public works project shall be instituted unless the provisions of this Act have been complied with. The provisions of this Act shall not be applicable to Federal construction projects which require a prevailing wage determination by the United States Secretary of Labor. The Illinois Department of Labor represented by the Attorney General is empowered to sue for injunctive relief against the awarding of any contract or the continuation of work under any contract for public works at a time when the prevailing wage prerequisites have not been met. Any contract for public works awarded at a time when the prevailing wage prerequisites had not been met shall be void as against public policy and the contractor is prohibited from recovering any damages for the voiding of the contract or pursuant to the terms of the contract. The contractor is limited to a claim for amounts actually paid for labor and materials supplied to the public body. Where objections to a determination of the prevailing rate of wages or a court action relative thereto is pending, the public body shall not continue work on the project unless sufficient funds are available to pay increased wages if such are finally determined or unless the Department of Labor certifies such determination of the prevailing rate of wages as correct.

Any laborer, worker or mechanic employed by the contractor or by any sub-contractor under him who is paid for his services in a sum less than the stipulated rates for work done under such contract, shall have a right of action for whatever difference there may be between the amount so paid, and the prevailing rate of wages required to be paid on the public works project ~~rates provided by the contract~~ together with costs and such reasonable attorney's fees as shall be allowed by the court. Such contractor or subcontractor shall also be liable to the Department of Labor for 20% of such underpayments and shall be additionally liable to the laborer, worker or mechanic for punitive damages in the amount of 2% of the amount of any such penalty to the State for underpayments for each month following the date of payment during which such underpayments remain unpaid. Where a second or subsequent action to recover underpayments is brought against a contractor or subcontractor and the contractor or subcontractor is found liable for underpayments to any laborer, worker, or mechanic, the contractor or subcontractor shall also be liable to the Department of Labor for 50% of the underpayments payable as a result of the second or subsequent action, and shall be additionally liable to the laborer, worker or mechanic for punitive damages in the amount of ~~for~~ 5% of the amount of any such penalty to the State for underpayments for each month following the date of payment during which the underpayments remain unpaid. The Department shall also have a right of action on behalf of any individual who has a right of action under this Section. An action brought to recover same shall be deemed to be a suit for wages, and any and all judgments entered therein shall have the same force and effect as other judgments for wages. At the request of any laborer, workman or mechanic employed by the contractor or by any subcontractor under him who is paid less than the prevailing wage rate required by this Act, the Department of Labor may take an assignment of such wage claim in trust for the assigning laborer, workman or mechanic and may bring any legal action necessary to collect such claim, and the contractor or subcontractor shall be required to pay the costs incurred in collecting such claim.

(b) For purposes of this subsection, the following definitions are applicable:

"Accurate records" means the payroll records required to be filed with the public body in charge of the project as required by Section 5 of the Act. Accurate records shall also mean the hourly rate paid for fringe benefits, including pension, health and welfare, training and vacations, and a designation of whether such fringe benefits were paid into a fund or paid directly to the employee.

"Act" means the Prevailing Wage Act.

"Construction manager" includes, but is not limited to, the contractor, subcontractor or anyone overseeing any project covered by the Act for purposes of the posting requirement.

"Contract" means an agreement either written or oral or otherwise as agreed to between the parties.

"Decision" means that the Department has determined that a violation has occurred that warrants the Director or the Director's designee to issue a notice of violation to a contractor or subcontractor. Each specific finding listed in the notice of violation is a separate "Decision" that the Act has been violated.

"Director" means the Director of the Illinois Department of Labor or, at the Director's discretion, the Director's designee, deputy or agent.

"Employee" means laborers, mechanics and other workers employed in any public works, as defined and covered under the Act, by anyone under contracts for public works.

"Employer" means a contractor or subcontractor, or both, who performs public works projects subject to the Act.

"Notice of second violation" is a notice issued by the Department advising a contractor or subcontractor that a violation as defined in this subsection has occurred within five years from the date of the notice of first violation.

"Notice of violation" means the formal written notice to a contractor or subcontractor that the Department has made a decision that the contractor or subcontractor has violated the Act.

"Prevailing hourly rate of wages" means the hourly cash wages plus fringe benefits for health and welfare, insurance, training, vacations and pensions paid most frequently (numerically most occurring), in the county in which the public works is performed, to employees engaged on public works, as determined by the public body awarding the contract or the most recent revision as determined by the Department of Labor effective prior to the date when the contract was let for bids or, if not let for bids, when executed; and all revisions by the Illinois Department of Labor when effected.

"Violation" means a written decision by the Department that a contractor or subcontractor has: failed or refused to pay the prevailing wage to one or more laborers, workers, or mechanics under a single contract or subcontract as required by Section 3 of this Act; failed to keep accurate records as required by this Act; failed to produce to the Department accurate records or records not in compliance with the provisions of this Act; refused to submit records to the Department in response to a subpoena issued in accordance with this Act; refused to comply with the certified payroll provision of Section 5 of this Act; refused the Department access, at any reasonable hour or at any location designated by the Department, to inspect the contractor's or subcontractor's certified records and other records as required by the Act; failed to insert into each subcontract or lower tiered subcontract and into the project specifications for each subcontract or lower tiered subcontract a written stipulation that not less than the prevailing rate of wages be paid as required by Section 4 of this Act; where a written contract or contract specification was not present, the contractor failed to provide written notice that the prevailing wage was required to be paid on the project as required under this Act or the contractor failed to obtain a bond that guarantees the faithful performance of the prevailing wage clause in the contract. "Violation" also means a written decision by the Department that a contractor or construction manager failed to post or provide the prevailing wage rates as required by Section 4 of this Act.

After receipt of a complaint or on the Department's initiative, the Director shall review the investigative file to determine whether there has been a violation or violations of which the contractor or subcontractor must be given notice. All information and observations made during an audit, investigation or survey shall be considered and shall constitute the basis for the Department's decision that the Act has been violated and that a notice of violation shall be issued. The notice of violation shall identify the specific violations of the Act.

The notice of violation shall state the amount of monies estimated due by the Department to be in controversy based on reasons contained in the investigation file.

In making a decision that a contractor or subcontractor has failed to allow the Director access to accurate payroll records, the Director shall rely on the information contained in the investigative file, the certified payroll records filed with the public body in charge of the project or any other information and shall assess a separate violation for each day worked by each worker on the subject project. Each decision of a separate violation under Section 5 of the Act shall be listed in the notice of violation.

In deciding that the Act has been violated and that the issuance of a notice of violation is required, the Director shall base the decision on one or any combination of the following reasons:

(1) The severity of the violations. The Director will consider the following:

(i) The amount of wages that are determined to be underpaid pursuant to the Act; and

(ii) Whether the activity or conduct complained of violates the requirements of the statute and was not merely a technical, non-substantive error. Examples of a technical error include, but are not limited to, a mathematical error, bookkeeping error, transposition of numbers, or computer or programming error.

(2) The nature and duration of the present violations as well as prior history of the contractor or the

subcontractor related to the Act. The prior history considered cannot exceed 7 years before the date of the second notice of violation.

(3) Whether the contractor or subcontractor filed certified payroll records with the public body in charge of the project; whether the contractor or subcontractor has kept the payroll records and accurate records for 3 years; whether the contractor or subcontractor produced certified payroll records in accordance with Section 5 of the Act.

(4) Whether the contractor or subcontractor has violated any other provision of the Act.

The notices of the first and second violations shall be sent by the Department by certified mail, deposited in the United States mail, postage prepaid, addressed to the last known address of the persons, partnerships, associations, or corporations involved. Said notices shall contain a reference to the specific Sections of the Act alleged to have been violated; identify the particular public works project involved; the conduct complained of; an identification as to first or second notice and a statement of remedies available to the contractor or subcontractor and Department.

(c) The Director of the Department of Labor shall publish in the Illinois Register no less often than once each calendar quarter a list of contractors or subcontractors found to have disregarded their obligations to employees under this Act. The Department of Labor shall determine the contractors or subcontractors who, on 2 separate occasions within 5 years, have been determined to have violated the provisions of this Act. Upon such determinations the Department shall notify the violating contractor or subcontractor. Such contractor or subcontractor shall then have 10 working days to request a hearing by the Department on the alleged violations. Failure to respond within the 10 working day period shall result in automatic and immediate placement and publication on the list. If the contractor or subcontractor requests a hearing within the 10 working day period, the Director shall set a hearing on the alleged violations. Such hearing shall take place no later than 45 calendar days after the receipt by the Department of Labor of the request for a hearing. The Department of Labor is empowered to promulgate, adopt, amend and rescind rules and regulations to govern the hearing procedure. No contract shall be awarded to a contractor or subcontractor appearing on the list, or to any firm, corporation, partnership or association in which such contractor or subcontractor has an interest until 4 years have elapsed from the date of publication of the list containing the name of such contractor or subcontractor.

(Source: P.A. 94-488, eff. 1-1-06.)

(820 ILCS 130/11b)

Sec. 11b. Discharge or discipline of "whistle blowers" prohibited.

(a) No person shall discharge, discipline, or in any other way discriminate against, or cause to be discharged, disciplined, or discriminated against, any employee or any authorized representative of employees by reason of the fact that the employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of this Act, or offers any evidence of any violation of this Act.

(b) Any employee or a representative of employees who believes that he has been discharged, disciplined, or otherwise discriminated against by any person in violation of subsection (a) of this Section may, within 180 ~~30~~ days after the alleged violation occurs, apply to the Director of Labor for a review of the discharge, discipline, or alleged discrimination. A copy of the application shall be sent to the person who allegedly committed the violation, who shall be the respondent. Upon receipt of an application, the Director shall cause such investigation to be made as he or she deems appropriate. The investigation shall provide an opportunity for a public hearing at the request of any party to the review to enable the parties to present information relating to the alleged violation. The parties shall be given written notice of the time and place of the hearing at least 30 ~~5~~ days before the hearing. Upon receiving the report of the investigation, the Director shall make findings of fact. If the Director finds that a violation did occur, he or she shall issue a decision incorporating his or her findings and requiring the party committing the violation to take such affirmative action to abate the violation as the Director deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his or her former position and compensating him or her for the time he or she was unemployed. The party committing the violation shall also be liable to the Department of Labor for a penalty of $5,000 for each violation of this Section. If the Director finds that there was no violation, he or she shall issue an order denying the application. An order issued by the Director under this Section shall be subject to judicial review under the Administrative Review Law.

(c) The Director shall adopt rules implementing this Section in accordance with the Illinois Administrative Procedure Act.

(Source: P.A. 94-488, eff. 1-1-06.)

(820 ILCS 130/11a rep.)

Section 10. The Prevailing Wage Act is amended by repealing Section 11a.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 796 and 802.

HOUSE BILL 813. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 813 by replacing all of Sections 1 through 35 with the following:

"Section 1. Short title. This Act may be cited as the Cancer Drug Repository Program Act.

Section 5. Definitions. In this Act:

"Cancer drug" means a prescription drug that is used to treat any of the following:

(1) Cancer or side effects of cancer.

(2) The side effects of any prescription drug that is used to treat cancer or side effects of cancer.

"Department" means the Department of Public Health.

"Dispense" has the meaning given to that term in the Pharmacy Practice Act of 1987.

"Pharmacist" means an individual licensed to engage in the practice of pharmacy under the Pharmacy Practice Act of 1987.

"Pharmacy" means a pharmacy registered in this State under the Pharmacy Practice Act of 1987.

"Practitioner" means a person licensed in this State to prescribe and administer drugs or licensed in another state and recognized by this State as a person authorized to prescribe and administer drugs.

"Prescription drug" means any prescribed drug that may be legally dispensed by a pharmacy.

"Program" means the cancer drug repository program established under this Act.

Section 10. Cancer drug repository program. The Department shall establish and maintain a cancer drug repository program, under which any person may donate a cancer drug or supplies needed to administer a cancer drug for use by an individual who meets eligibility criteria specified by the Department in rules. Donations may be made on the premises of a pharmacy that elects to participate in the program and meets requirements specified by the Department in rules. The pharmacy may charge an individual who receives a cancer drug or supplies needed to administer a cancer drug under this Act a handling fee that may not exceed the amount specified by the Department in rules. A pharmacy that receives a donated cancer drug or supplies needed to administer a cancer drug under this Act may distribute the cancer drug or supplies to another eligible pharmacy for use under the program.

Section 15. Requirements for accepting and dispensing cancer drugs and supplies. A cancer drug or supplies needed to administer a cancer drug may be accepted and dispensed under the program only if all of the following requirements are met:

(1) The cancer drug or supplies needed to administer a cancer drug are in their original, unopened, sealed, and tamper-evident unit-dose packaging or, if packaged in single-unit doses, the single-unit-dose packaging is unopened.

(2) The cancer drug bears an expiration date that is later than 6 months after the date that the drug was donated.

(3) The cancer drug or supplies needed to administer a cancer drug are not adulterated or misbranded, as determined by a pharmacist employed by, or under contract with, the pharmacy where the drug or supplies are accepted or dispensed. The pharmacist must inspect the drug or supplies before the drug or supplies are dispensed.

(4) The cancer drug or supplies needed to administer a cancer drug are prescribed by a practitioner for use by an eligible individual.

Section 20. Resale of donated drugs or supplies prohibited. No cancer drug or supplies needed to administer a cancer drug that are donated for use under this Act may be resold.

Section 25. Participation in program not required. Nothing in this Act requires that a pharmacy or pharmacist participate in the cancer drug repository program.

Section 30. Immunity.

(a) Unless the manufacturer's conduct is wilful and wanton, a manufacturer of a drug or supply is not subject to criminal or civil liability for injury, death, or loss to a person or property for matters related to the donation, acceptance, or dispensing of a cancer drug or supply manufactured by the manufacturer that is donated by any person under this Act.

(b) Unless the person's conduct is wilful and wanton, a person is immune from civil liability for injury to or the death of the individual to whom the cancer drug or supply is dispensed and may not be found guilty of unprofessional conduct for his or her acts or omissions related to donating, accepting, distributing, or dispensing a cancer drug or supply under this Act.

Section 35. Rules. The Department shall adopt all of the following as rules:

(1) Requirements for pharmacies to accept and dispense donated cancer drugs or supplies needed to administer cancer drugs under this Act, including all of the following:

(A) Eligibility criteria.

(B) Standards and procedures for accepting, safely storing, and dispensing donated cancer drugs or supplies needed to administer cancer drugs.

(C) Standards and procedures for inspecting donated cancer drugs or supplies needed to administer cancer drugs to determine whether the drugs or supplies are in their original, unopened, sealed, and tamper-evident unit-dose packaging or, if packaged in single-unit doses, the single-unit-dose packaging is unopened.

(D) Standards and procedures for inspecting donated cancer drugs or supplies needed to administer cancer drugs to determine that the drugs or supplies needed to administer cancer drugs are not adulterated or misbranded.

(2) Eligibility criteria for individuals to receive donated cancer drugs or supplies needed to administer cancer drugs dispensed under the cancer drug repository program. The standards shall prioritize dispensation to individuals who are uninsured or indigent but must permit dispensation to others if an uninsured or indigent individual is unavailable.

(3) A means, such as an identification card, by which an individual who is eligible to receive a donated cancer drug or supplies needed to administer a cancer drug may indicate that eligibility.

(4) Necessary forms for administration of the cancer drug repository program, including forms for use by persons that donate, accept, distribute, or dispense cancer drugs or supplies needed to administer cancer drugs under the program.

(5) The maximum handling fee that a pharmacy may charge for accepting, distributing, or dispensing donated cancer drugs or supplies needed to administer cancer drugs.

(6) A list of cancer drugs and supplies needed to administer cancer drugs, arranged by category or by individual cancer drug or supply, that the cancer drug repository program will accept for dispensing.

(7) A list of cancer drugs and supplies needed to administer cancer drugs, arranged by category or by individual cancer drug or supply, that the cancer drug repository program will not accept for dispensing. The list must include a statement that specifies the reason that the drug or supplies are ineligible for donation.

The Department may also adopt any other rules deemed necessary to implement this Act.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 828 and 841.

HOUSE BILL 845. Having been reproduced, was taken up and read by title a second time.

Representative Beiser offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 845 in subsection (e-10) of Sec. 9-3 of Section 5, by inserting after "officer" the following:
"killed in the performance of his or her duties as a peace officer".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 876.

HOUSE BILL 892. Having been reproduced, was taken up and read by title a second time.
The following amendment was offered in the Committee on Human Services, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 892 on page 2, by replacing lines 19 through 25 with the following:
"zones established by the Department. The standards must include a requirement that areas of a nursing home used by residents of the nursing home be air conditioned and heated by means of operable air-conditioning and heating equipment. The areas subject to this air-conditioning and heating requirement include, without limitation, bedrooms or common areas such as sitting rooms, activity rooms, living rooms, community rooms, and dining rooms. No later than July 1, 2008, the Department shall submit a report to the General Assembly concerning the impact of the changes made by this amendatory Act of the 95th General Assembly;"; and
on page 3, by deleting lines 8 through 14.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 895. Having been reproduced, was taken up and read by title a second time.
The following amendments were offered in the Committee on Environmental Health, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 895 as follows:
on page 2, line 6, by deleting "at a minimum"; and
on page 2, line 8, by deleting "and"; and
on page 2, line 9, after "Agency,", by inserting "and a panel of interested stakeholders, including cleaning product industry representatives, non-governmental organizations, and others,"; and
on page 2, line 22, by replacing "education," with "education and"; and
on page 2, line 23, by deleting ", and the Chicago Department of Environment"; and
on page 3, lines 3 and 4, by deleting ", the Chicago Department of Environment,".

AMENDMENT NO. 2. Amend House Bill 895 on page 1, line 17, after "Act", by inserting "or thereafter when it is economically feasible"; and
on page 2, immediately below line 3, by inserting the following:
"For the purposes of this Section, adopting a green cleaning policy is not economically feasible if such adoption would result in an increase in the cleaning costs of the school. If adopting a green cleaning policy is not economically feasible, the school must provide annual written notification to the Illinois Green Government Coordinating Council (IGGCC), on a form provided by the IGGCC, that the development and implementation of a green cleaning policy is not economically feasible until such time that it is economically feasible."; and
on page 2, line 11, after the period, by inserting the following:
"The IGGCC shall provide multiple avenues by which cleaning products may be determined to be

environmentally-sensitive under the guidelines.".

Representative May offered the following amendment and moved its adoption:

AMENDMENT NO. 3. Amend House Bill 895 on page 1, line 18, by replacing "and non-public schools" with "schools and all elementary and secondary non-public schools with 50 or more students"; and on page 2, line 22, by replacing "private school" with "elementary or secondary non-public school with 50 or more students".

The foregoing motion prevailed and Amendment No. 3 was adopted.

There being no further amendments, the foregoing Amendments numbered 1, 2 and 3 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 896.

HOUSE BILL 903. Having been reproduced, was taken up and read by title a second time.

Representative Mathias offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 903, on page 1, line 4, by replacing "adding" with "changing Section 8h and adding"; and
on page 1, below line 7, by inserting the following:

"(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund.

(a) Except as otherwise provided in this Section and Section 8n of this Act, and ~~(c), (d), or (e),~~ notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, the Teacher Health Insurance Security Fund, the Reviewing Court Alternative Dispute Resolution Fund, the Voters' Guide Fund, the Foreign Language Interpreter Fund, the Lawyers' Assistance Program Fund, the Supreme Court Federal Projects Fund, the Supreme Court Special State Projects Fund, the Supplemental Low-Income Energy Assistance Fund, the Good Samaritan Energy Trust Fund, the Low-Level Radioactive Waste Facility Development and Operation Fund, the Horse Racing Equity Trust Fund, or the Hospital Basic Services Preservation Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. No transfers may be made under this Section from the Pet Population Control Fund. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(a-5) Transfers directed to be made under this Section on or before February 28, 2006 that are still pending on May 19, 2006 (the effective date of Public Act 94-774) ~~this amendatory Act of the 94th General Assembly~~ shall be redirected as provided in Section 8n of this Act.

(b) This Section does not apply to: (i) the Ticket For The Cure Fund; (ii) any fund established under the Community Senior Services and Resources Act; or (iii) on or after January 1, 2006 (the effective date of Public Act 94-511), the Child Labor and Day and Temporary Labor Enforcement Fund.

(c) This Section does not apply to the Demutualization Trust Fund established under the Uniform Disposition of Unclaimed Property Act.

(d) This Section does not apply to moneys set aside in the Illinois State Podiatric Disciplinary Fund for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act.

(e) Subsection (a) does not apply to, and no transfer may be made under this Section from, the Pension Stabilization Fund.

(f) This Section does not apply to moneys deposited into the Ovarian Cancer Awareness Fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839, eff. 6-6-06; revised 6-19-06.)".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 913. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary I - Civil Law, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 913 on page 1, by replacing lines 19 through 23 with the following:

"(iii) Custody exercised under a statutory short-term guardianship for reasons other than to have access to the educational programs of the district, provided that within 365 ~~60~~ days of the pupil's enrollment a court order is entered that establishes a permanent guardianship and grants custody to a person with whom the pupil resides ~~for~~"; and

on page 2, by replacing lines 1 and 2 with the following:

"~~reasons other than to have access to the educational programs of the district~~.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 943. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 943 by replacing everything after the enacting clause with the following:

"Section 5. The Mercury Fever Thermometer Prohibition Act is amended by changing Sections 1 and 10 and by adding Sections 27 and 35 as follows:

(410 ILCS 46/1)

Sec. 1. Short title. This Act may be cited as the Mercury-added Product ~~Mercury Fever Thermometer~~ Prohibition Act.

(Source: P.A. 93-165, eff. 1-1-04.)

(410 ILCS 46/10)

Sec. 10. Definitions. For the purposes of this Act, the words and terms defined in this Section shall have the meaning given, unless the context otherwise clearly requires.

"Agency" means the Illinois Environmental Protection Agency.

"Mercury fever thermometer" means any device containing liquid mercury wherein the liquid mercury is used to measure the internal body temperature of a person.

"Mercury-added novelty" means a mercury-added product intended for personal or household enjoyment, including but not limited to: toys, figurines, adornments, games, cards, ornaments, yard statues and figurines, candles, jewelry, holiday decorations, and footwear and other items of apparel.

"Mercury-added product" means a product to which mercury is added intentionally during formulation of manufacture, or a product containing one or more components to which mercury is intentionally added during formulation or manufacture.

"Health care facility" means any hospital, nursing home, extended care facility, long-term facility, clinic or medical laboratory, State or private health or mental institution, clinic, physician's office, or health maintenance organization.

"Hospital" means any institution, place, building, or agency, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of 2 or more unrelated persons admitted for overnight stay or longer in order to obtain medical, including obstetric, psychiatric, and nursing, care of illness, disease, injury, infirmity, or deformity.

"Person" means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or non-profit organization, or any other legal entity.

(Source: P.A. 93-165, eff. 1-1-04.)

(410 ILCS 46/27 new)

Sec. 27. Sale and distribution of certain mercury-added products prohibited.

(a) On and after July 1, 2008, no person shall sell, offer to sell, or distribute the following mercury-added products in this State:

(1) barometers;

(2) esophageal dilators, bougie tubes, or gastrointestinal tubes;

(3) flow meters;

(4) hydrometers;

(5) hygrometers;

(6) manometers;

(7) pyrometers;

(8) sphygmomanometers;

(9) thermometers; or

(10) psychrometers.

(b) This Section does not apply to the sale of a mercury added product listed in paragraphs (1) through (10) of subsection (a) if use of the product is a federal requirement or if the only mercury-added component in the product is a button cell battery.

(c) This Section does not apply to the sale of a mercury-added product listed in paragraphs (1) through (10) of subsection (a) for which an exemption is obtained under this subsection (c). The manufacturer of the product may apply for an exemption for one or more uses of the product by filing a written petition with the Agency. The Agency may grant an exemption, with or without conditions, if the manufacturer demonstrates the following:

(1) a system exists for the proper collection, transportation, and processing of the product at the end of its useful life; and

(2) one of the following applies:

(i) use of the product provides a net benefit to the environment, public health, or public safety when compared to available nonmercury alternatives; or

(ii) technically feasible nonmercury alternatives are not available at comparable cost.

Prior to approving an exemption, the Agency may consult with other states to promote consistency in the regulation of the product for which the exemption is requested. The Agency may also publish notice of its receipt of petitions for exemptions on its website and consider public comments submitted in response to the petitions. Exemptions shall be granted for a term of 5 years and may be renewed for additional 5-year terms upon written application by the manufacturer if the manufacturer demonstrates that the criteria of this subsection (c) and the conditions of the product's original exemption approval continue to be met. All

petitions for exemptions and exemption renewals shall be submitted on forms prescribed by the Agency.

(410 ILCS 46/35 new)

Sec. 35. The Agency may participate in the establishment and implementation of a regional, multistate clearinghouse to assist in carrying out the requirements of this Act.

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 957. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Registration and Regulation, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 957 by replacing everything after the enacting clause with the following:

"Section 5. The Funeral Directors and Embalmers Licensing Code is amended by adding Section 1-25 as follows:

(225 ILCS 41/1-25 new)

Sec. 1-25. Temporary authorization of applicants from other jurisdictions. A person holding an active, unencumbered license in good standing in another jurisdiction who applies for a license pursuant to Section 5-5 or 10-5 of this Act due to a natural disaster or catastrophic event in another jurisdiction, may be temporarily authorized by the Secretary to practice funeral directing or funeral directing and embalming under the supervision of a licensee under this Act, pending the issuance of the license. This temporary authorization shall expire after 30 days or upon notification that the Department has denied licensure, whichever is sooner.

The Department may adopt all rules necessary for the administration of this Section.

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 961. Having been recalled on March 6, 2007, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 975 and 978.

HOUSE BILL 979. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Aging, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 979, on page 2, line 12, after the period, by inserting "The Department on Aging shall provide staff support to the Task Force.".

AMENDMENT NO. 2. Amend House Bill 979 on page 1, line 21, before the period, by inserting ", regardless of the setting in which the service is provided"; and
on page 2, line 3, by replacing "6" with "7"; and
on page 2, line 11, after "Opportunity" by inserting ", the Rural Affairs Council,".

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 986. Having been reproduced, was taken up and read by title a second time.

Representative May offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 986, on page 1, line 7, by replacing "providers" with "facilities"; and
on page 1, line 14, by replacing "provider" with "facility"; and
on page 1, by replacing lines 22 and 23 with the following:
""Health care facility" means any hospital or long term care facility licensed in Illinois."; and
on page 2, by deleting line 1.

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 987.

HOUSE BILL 998. Having been read by title a second time on March 6, 2007, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 1041, 1076, 1077 and 1081.

HOUSE BILL 1082. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 1082 on page 1, by replacing lines 18 and 19 with the following:
"use information".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 1084, 1104, 1138, 1232, 1238, 1241, 1243.

HOUSE BILL 1251. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 1251 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by adding Section 11-13-30 as follows:

(65 ILCS 5/11-13-30 new)

Sec. 11-13-30. County transportation facilities. Notwithstanding any other provision of law, if the principal transportation facility of a county is within the corporate limits of a municipality incorporated after January 1, 2007, the facility shall not be subject to the zoning, subdivision, or building regulations and ordinances of the municipality. This provision shall not apply if the county shall cease to use the property for county transportation purposes.

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 1254. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1254 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Health Information Network Act.

Section 5. Establishment of the Illinois Health Information Network.

(a) In order to advance the effective implementation and use of electronic health records through public-private partnerships, the Illinois Department of Public Health shall establish a not-for-profit corporation, by November 1, 2007, under the General Not For Profit Corporation Act of 1986 that shall be known as the Illinois Health Information Network, or ILHIN.

(b) The primary mission of ILHIN shall be the following:

(1) To establish a state-level health information exchange to facilitate the sharing of health information among health care providers within Illinois and beyond in other states; and

(2) To foster the widespread adoption of electronic health records, personal health records, and health information exchange by health care providers and the general public.

(c) ILHIN shall be governed by a board of directors as specified in Section 15 of this Act, with the rights, titles, powers, privileges, and obligations provided for in the General Not For Profit Corporation Act of 1986.

(d) Subject to the availability of public or private funds, the board of directors may employ an executive director, other staff, or independent contractors necessary to perform its duties as specified in Section 10 and to fix their compensation, benefits, terms, and conditions of their employment.

Section 10. Powers and duties of the Illinois Health Information Network.

(a) ILHIN shall plan for the creation of a state-level health information exchange using a federated model wherein patient electronic health records are stored, maintained, and updated by the treating health care provider, but access to key health data is provided to other providers of the patient, with patient consent if the patient is able to give consent, through secure interoperable record locator technology; provided that ILHIN may develop alternative or additional approaches to health information exchange to respond to advances in technology or the experiences of other states. To the extent possible, technical specifications and technology adopted by ILHIN for the state-level health information exchange shall have been tested in another state or states.

(b) ILHIN shall establish minimum standards for accessing the state-level health information exchange by health care providers and researchers in order to ensure security and confidentiality protections for patient information, consistent with applicable federal and State standards. ILHIN shall have the authority to suspend or terminate rights to participate in the health information exchange in case of non-compliance or failure to act, with respect to applicable standards, in the best interests of patients, participants of ILHIN, and the public.

(c) ILHIN shall identify barriers to the adoption of electronic health record systems by health care providers, including conducting, facilitating, or coordinating research on the rates and patterns of dissemination and use of electronic health record systems throughout the State. To address gaps in statewide implementation, ILHIN may, through staff or consultant support, contracts, grants, or loans, offer technical assistance, training, and financial assistance, as available and in accordance with federal law, to health care providers or associations representing health care providers, with priority given to providers serving a significant percentage of uninsured patients and patients in medically underserved or rural areas.

(d) ILHIN shall educate the general public on the benefits of electronic health records, personal health records, and the safeguards available to prevent disclosure of personal health information.

(e) ILHIN may appoint or designate a federally qualified institutional review board to review and approve requests for research in order to ensure compliance with standards and patient privacy protections as specified in subsection (b) of this Section.

(f) ILHIN may solicit grants, loans, contributions, or appropriations from public or private source and

may enter into any contracts, grants, loans, or agreements with respect to the use of such funds to fulfill its duties under this Act. No debt or obligation of ILHIN shall become the debt or obligation of the State.

(g) ILHIN may determine, charge, and collect any fees, charges, costs, and expenses from any person or provider that uses the ILHIN, the health information exchange, or any electronic transaction in connection with its duties under this Act.

(h) The Illinois Department of Public Health may authorize ILHIN to collect de-identified health data from health care providers in a central repository for public health purposes and identified data for the use of the Department or other State agencies specifically to fulfill their state responsibilities. Any identified data so collected shall be privileged and confidential in accordance with Sections 8-2101, 8-2102, 8-2103, 8-2104, and 8-2105 of the Code of Civil Procedure and shall be exempt from the provisions of the Freedom of Information Act.

(i) The Illinois Department of Public Health may authorize ILHIN to make de-identified data available to health care providers and other organizations for the purpose of analyzing data related to health disparities, chronic illnesses, quality performance measurers, and other health care related issues.

(j) ILHIN shall coordinate with the Illinois Department of Public Health with respect to the Governor's 2006 Executive Order 8 that, among other matters, encourages all health care providers to use electronic prescribing programs by 2011, to evaluate areas in need of enhanced technology to support e-prescribing programs, and to determine the technology needed to implement e-prescribing programs.

Section 15. Governance of the Illinois Health Information Network.

(a) ILHIN shall be governed by a 31-member board of directors, which shall be comprised of the following:

(1) The Directors of Public Health and of Healthcare and Family Services and the Secretary of Human Services, or their designees.

(2) The Regional Administrator, or his or her designee, of Region 5, Center for Medicare and Medicaid Services, U.S. Department of Health and Human Services.

(3) Three hospital administrators or 2 hospital administrators and a statewide hospital association representative, including one hospital administrator from a small rural hospital.

(4) Five physicians, including a primary care physician, a specialist, and one each from a small group practice, a rural practice, and a multi-specialty clinic, independent of other appointments in this Section who might also be physicians.

(5) Three representatives of payers, including the largest health insurance company serving Illinois, a large commercial insurer, and a local payer.

(6) Two representatives of employers, including a self-insured employer and an employer recommended by an employer trade organization that represents a broad base of employers in the State.

(7) Three pharmacists, including one employed by a large chain, one independent pharmacist, and one employed by a health care institution or a consultant pharmacist to health care organizations.

(8) Two representatives of federally qualified health centers as defined in Section 1905 (l)(2)(B) of the Social Security Act, one of whom is from a center in an association that represents a broad base of federally qualified health centers throughout the State.

(9) Two long-term care facility administrators, including one from a facility in an organization of 5 or more facilities located throughout the State and one from an independently-owned facility.

(10) One administrator of a home health agency.

(11) One administrator of a mental health clinic or facility.

(12) One administrator of a diagnostic center.

(13) One nurse.

(14) Three consumers.

(b) The 27 non-governmental board members shall be appointed by the Governor with the consent of the Senate to 3-year staggered terms as determined by the Governor. Persons may be nominated by generally recognized statewide organizations representing hospitals, physicians, nurses, consumers, third-party payers, pharmacists, federally qualified health centers, long-term care facilities, laboratories, mental health clinics, and home health agencies. Initial nominees shall be submitted by the Governor to the Senate for its consideration by no later than January 1, 2008.

(c) The ILHIN board of directors shall elect its presiding officer from among its members and may elect or appoint an executive committee, other committees, and subcommittees to conduct the business of the organization.

Section 20. Health information systems maintained by State agencies.

(a) By no later than January 1, 2015, each State agency that implements, acquires, or upgrades health information technology systems used for the direct exchange of health information between agencies and with non-State entities shall use health information technology systems and products that meet minimum standards adopted by ILHIN for accessing the state-level health information exchange.

(b) In order to provide ILHIN with start-up capabilities to assist in the development of the state-level health information exchange, the Department of Public Health is authorized to transfer or license the assets of a State pilot program known as the Illinois Health Network to ILHIN as soon as is practicable.

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 1058 and 1284.

HOUSE BILL 1288. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 1288 on page 1, by replacing lines 5 and 6 with the following:
"changing Sections 8, 22, 30, 46, 51, and 70 as follows:"; and
on page 1, by deleting lines 7 through 23; and
on page 2, by deleting lines 1 through 22; and
on page 3, by replacing lines 17 through 20 with the following:
"necessary to carry out his functions. The Director shall ensure that all examiners appointed or assigned to examine the affairs of State-chartered credit unions possess the necessary training and continuing education to effectively execute their jobs."; and
on page 5, by deleting lines 23 through 25; and
by deleting pages 6 and 7; and
on page 8, by deleting lines 1 through 23; and
on page 18, by replacing lines 15 and 16 with the following:
"indebtedness of its members. In the management of its assets, liabilities, and liquidity, a credit union may purchase the conditional sales contracts, notes, and other similar instruments that evidence the consumer indebtedness of the members of another credit union. "Consumer indebtedness" means indebtedness incurred for personal, family, or household purposes."; and
on page 20, lines 24 and 25, and page 21, line 18, by replacing "Supervisor of the Credit Union Section" each time it appears with "Director"; and
on page 20, line 26, and page 21, lines 2, 4, 10, and 11, by replacing "Supervisor" each time it appears with "Director".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 1293.

HOUSE BILL 1300. Having been reproduced, was taken up and read by title a second time.

Representative Hamos offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 1300 on page 6, by deleting lines 9 through 19.

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 1301 and 1320.

HOUSE BILL 1332. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on State Government Administration, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1332 by inserting after the last line of Section 10 the following:

"Section 15. Criminal background checks permitted. Nothing in this Act shall be construed to prohibit a State agency from conducting a criminal background check of an applicant for State employment.".

AMENDMENT NO. 2. Amend House Bill 1332 on page 1, line 15, by replacing "An" with the following:

"Subject to the exception set out in Section 15 of this Act, an"; and

on page 1, by inserting immediately below line 20 the following:

"Section 15. Application of federal or State law. If a federal or State law disqualifies a person convicted of certain offenses from holding a position, an application for that position may inquire as to whether the applicant has been convicted of a disqualifying offense. If an applicant is applying for a position of peace officer as defined in Section 2-13 of the Criminal Code of 1961, an application for that position may inquire as to whether the applicant has been convicted of a disqualifying offense.

Section 20. Refusal to hire for conviction of a criminal offense. Nothing in this Act prohibits a decision to refuse to hire on the basis that the applicant has been convicted of a criminal offense.".

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 1347.

HOUSE BILL 1355. Having been reproduced, was taken up and read by title a second time.

Representative Brauer offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 1355 by replacing everything after the enacting clause with the following:

"Section 5. The Capital Development Board Act is amended by adding Section 17 as follows:

(20 ILCS 3105/17 new)

Sec. 17. Historic area preference.

(a) The State of Illinois shall give preference to locating its facilities, whenever operationally appropriate and economically feasible, in historic properties and buildings located within government recognized historic districts or central business districts designated as such by a local or regional planning agency.

When making a determination that a project is operationally appropriate and economically feasible, the following shall also be taken into consideration:

(1) Need for geographic diversity to service a clientele population.

(2) Promoting regional and local economic development.

(3) Availability of space in historic buildings, districts, and central business districts.

(4) Cost of available space.

(5) Proximity of public transportation and affordable housing.

(6) Public safety.

(b) The following State facilities are exempted from the requirements of this Section:

(1) Correctional facilities.

(2) Facilities owned or used by any public university or college.

(3) State parks, nature areas, and similar facilities.

(4) State highways and roads and supporting facilities.

(5) New buildings that support the function or operation of an existing facility or campus.

This Section shall not apply to any facilities occupied by the State of Illinois prior to the effective date of this amendatory Act of the 95th General Assembly or to any project for which a lease or construction contract is in effect as of the effective date of this amendatory Act of the 95th General Assembly.

Section 10. The Illinois Procurement Code is amended by adding Section 45-75 as follows:

(30 ILCS 500/45-75 new)

Sec. 45-75. Historic area preference. State agencies with responsibilities for leasing, acquiring, or maintaining State facilities shall take all reasonable steps to minimize any regulations, policies, and procedures that impede the goals of Section 17 of the Capital Development Board Act.

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

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 1348, 1359, 1363, 1384 and 1399.

HOUSE BILL 1400. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1400 by replacing everything after the enacting clause with the following:

"Section 5. The Alternate Fuels Act is amended by adding Section 23 as follows:

(415 ILCS 120/23 new)

Sec. 23. Flexible fuel vehicle notification.

(a) Beginning July 1, 2008 and through June 30, 2012, the Secretary of State must notify each owner of a first division licensed motor vehicle that many motor vehicles are capable of using E85 blended fuel. This notice must be included with the motor vehicle sticker renewal form mailed to the owner by the Office of the Secretary of State.

(b) The notice must include the following text:

To find out if your vehicle may use E85 blended fuel, please contact the manufacturer of your vehicle.

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 1406. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Registration and Regulation, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1406 on page 2, line 8, by replacing "Sections 10-27, 10-30," with "Sections 10-30"; and

by deleting line 9 on page 2 through line 13 on page 8.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 1423.

HOUSE BILL 1425. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 1425 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Radon Awareness Act.

Section 5. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Agent" means a licensed real estate "broker" or "salesperson", as those terms are defined in Section 1-10 of the Real Estate License Act of 2000, acting on behalf of a seller or buyer of residential real property.

(b) "Buyer" means any individual, partnership, corporation, or trustee entering into an agreement to purchase any estate or interest in real property.

(c) "Final settlement" means the time at which the parties have signed and delivered all papers and consideration to convey title to the estate or interest in the residential real property being conveyed.

(d) "IEMA" means the Illinois Emergency Management Agency Division of Nuclear Safety.

(e) "Mitigation" means measures designed to permanently reduce indoor radon concentrations according to procedures described in 32 Illinois Administrative Code Part 422.

(f) "Radon hazard" means exposure to indoor radon concentrations at or in excess of the United States Environmental Protection Agency's, or IEMA's recommended Radon Action Level.

(g) "Radon test" means a measurement of indoor radon concentrations in accordance with 32 Illinois Administrative Code Part 422 for performing radon measurements within the context of a residential real property transaction.

(h) "Residential real property" means any estate or interest in a manufactured housing lot or a parcel of real property, improved with not less than one nor more than 4 residential dwelling units.

(i) "Seller" means any individual, partnership, corporation, or trustee transferring residential real property in return for consideration.

Section 10. Radon testing and disclosure.

(a) Except as excluded by Section 20 of this Act, the seller shall provide to the buyer of any interest in residential real property the IEMA pamphlet entitled "Radon Testing Guidelines for Real Estate Transactions" (or an equivalent pamphlet approved for use by IEMA) and the Illinois Disclosure of Information on Radon Hazards, which is set forth in subsection (b) of this Section, stating that the property may present the potential for exposure to radon before the buyer is obligated under any contract to purchase residential real property. Nothing in this Section is intended to or shall be construed to imply an obligation on the seller to conduct any radon testing or mitigation activities.

(b) The following shall be the form of Disclosure of Information on Radon Hazards to be provided to a buyer of residential real property as required by this Section:

DISCLOSURE OF INFORMATION ON RADON HAZARDS

(For Residential Real Property Sales or Purchases)

Radon Warning Statement

Every buyer of any interest in residential real property is notified that the property may present exposure to dangerous levels of indoor radon gas that may place the occupants at risk of developing radon-induced lung cancer. Radon, a Class-A human carcinogen, is the leading cause of lung cancer in non-smokers and the second leading cause overall. The seller of any interest in residential real property is required to provide the buyer with any information on radon test results of the dwelling showing elevated levels of radon in the seller's possession.

The Illinois Emergency Management Agency (IEMA) strongly recommends ALL homebuyers have an indoor radon test performed prior to purchase or taking occupancy, and mitigated if elevated levels are found. Elevated radon concentrations can easily be reduced by a qualified, licensed radon mitigator.

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

(a)..... Elevated radon concentrations (above EPA or IEMA recommended Radon Action Level) are known to be present within the dwelling. (Explain)

(b)..... Seller has provided the purchaser with all available records and reports pertaining to elevated radon concentrations within the dwelling.

(c)..... Seller has no knowledge of elevated radon concentrations in the dwelling.

(d)..... Seller has no records or reports pertaining to elevated radon concentrations within the dwelling.

Purchaser's Acknowledgment (initial each of the following which applies)

(e)..... Purchaser has received copies of all information listed above.

(f)..... Purchaser has received the IEMA approved Radon Disclosure Pamphlet.

Agent's Acknowledgment (initial) (if applicable)

(g)..... Agent has informed the seller of the seller's obligations under Illinois law.

Certification of Accuracy

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

Seller Date Seller Date

Purchaser Date Purchaser Date

Agent Date Agent Date

(c) If any of the disclosures required by this Section occurs after the buyer has made an offer to purchase the residential real property, the seller shall complete the required disclosure activities prior to accepting the buyer's offer and allow the buyer an opportunity to review the information and possibly amend the offer.

Section 15. Applicability. This Act shall only apply to transfers by sale of residential real property.

Section 20. Exclusions. The provisions of this Act do not apply to the following:

(1) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers between spouses resulting from a judgment of dissolution of marriage or legal separation, transfers pursuant to an order of possession, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.

(2) Transfers from a mortgagor to a mortgagee by deed in lieu of foreclosure or consent judgment, transfer by judicial deed issued pursuant to a foreclosure sale to the successful bidder or the assignee of a certificate of sale, transfer by a collateral assignment of a beneficial interest of a land trust, or a transfer by a mortgagee or a successor in interest to the mortgagee's secured position or a beneficiary under a deed in trust who has acquired the real property by deed in lieu of foreclosure, consent judgment or judicial deed issued pursuant to a foreclosure sale.

(3) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.

(4) Transfers from one co-owner to one or more other co-owners.

(5) Transfers pursuant to testate or intestate succession.

(6) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the sellers.

(7) Transfers from an entity that has taken title to residential real property from a seller for the purpose of assisting in the relocation of the seller, so long as the entity makes available to all prospective buyers a copy of the disclosure form furnished to the entity by the seller.

(8) Transfers to or from any governmental entity.

Section 99. Effective date. This Act takes effect January 1, 2008.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 1452, 1456, 1481, 1492, 1499, 1525, 1538 and 1540.

HOUSE BILL 1542. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Labor, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1542 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 10-2.1-17 as follows:

(65 ILCS 5/10-2.1-17) (from Ch. 24, par. 10-2.1-17)

Sec. 10-2.1-17. Removal or discharge; investigation of charges; retirement. Except as hereinafter provided, no officer or member of the fire or police department of any municipality subject to this Division 2.1 shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense. The hearing shall be as hereinafter provided, unless the employer and the labor organization representing the person have negotiated an alternative or supplemental form of due process based upon impartial arbitration as a term of a collective bargaining agreement. Such ~~In non-home rule units of government, such~~ bargaining shall be ~~permissive rather than~~ mandatory unless the parties mutually agree otherwise. Any such alternative agreement shall be permissive. ~~such contract term was negotiated by the employer and the labor organization prior to or at the time of the effective date of this amendatory Act, in which case such bargaining shall be considered mandatory.~~

If the chief of the fire department or the chief of the police department or both of them are appointed in the manner provided by ordinance, they may be removed or discharged by the appointing authority. In such case the appointing authority shall file with the corporate authorities the reasons for such removal or discharge, which removal or discharge shall not become effective unless confirmed by a majority vote of the corporate authorities. The board of fire and police commissioners shall conduct a fair and impartial hearing of the charges, to be commenced within 30 days of the filing thereof, which hearing may be continued from time to time. In case an officer or member is found guilty, the board may discharge him, or may suspend him not exceeding 30 days without pay. The board may suspend any officer or member pending the hearing with or without pay, but not to exceed 30 days. If the Board of Fire and Police Commissioners determines that the charges are not sustained, the officer or member shall be reimbursed for all wages withheld, if any. In the conduct of this hearing, each member of the board shall have power to administer oaths and affirmations, and the board shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to the hearing.

The age for retirement of policemen or firemen in the service of any municipality which adopts this Division 2.1 is 65 years, unless the Council or Board of Trustees shall by ordinance provide for an earlier retirement age of not less than 60 years.

The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the board of fire and police commissioners hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Nothing in this Section shall be construed to prevent the chief of the fire department or the chief of the police department from suspending without pay a member of his department for a period of not more than 5 calendar days, but he shall notify the board in writing of such suspension. The hearing shall be as hereinafter provided, unless the employer and the labor organization representing the person have negotiated an alternative or supplemental form of due process based upon impartial arbitration as a term of a collective bargaining agreement. Such ~~In non-home rule units of government, such~~ bargaining shall be ~~permissive rather than~~ mandatory unless the parties mutually agree otherwise. Any such alternative agreement shall be permissive. ~~such contract term was negotiated by the employer and the labor organization prior to or at the time of the effective date of this amendatory Act, in which case such bargaining shall be considered mandatory.~~

Any policeman or fireman so suspended may appeal to the board of fire and police commissioners for a review of the suspension within 5 calendar days after such suspension, and upon such appeal, the board may sustain the action of the chief of the department, may reverse it with instructions that the man receive his pay for the period involved, or may suspend the officer for an additional period of not more than 30 days or discharge him, depending upon the facts presented.

(Source: P.A. 91-650, eff. 11-30-99.)

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 1545.

HOUSE BILL 1553. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 1553, on page 3, line 15, by replacing "driving privileges" with "watercraft operating privileges".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 1554, 1610, 1611 and 1643.

HOUSE BILL 1656. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Higher Education, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1656 on page 2, line 9, by replacing "tax-deferred, tax-exempt" with "tax-exempt ~~tax-deferred~~".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 1630, 1657, 1660, 1666, 1670, 1673, 1705, 1729 and 1732.

HOUSE BILL 1741. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 1741 as follows:
on page 1, line 8, after "fertilizer", by inserting "to a non-registrant"; and
on page 2, line 16, after "created under", by inserting "subsection (b) of".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 1756. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1756 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 3-600 as follows:

(625 ILCS 5/3-600) (from Ch. 95 1/2, par. 3-600)

Sec. 3-600. Requirements for issuance of special plates.

(a) The Secretary of State shall issue only special plates that have been authorized by the General Assembly. The Secretary of State shall not issue a series of special plates unless applications, as prescribed

by the Secretary, have been received for 10,000 plates of that series; except that the Secretary of State may prescribe some other required number of applications if that number is sufficient to pay for the total cost of designing, manufacturing and issuing the special license plate.

(b) The Secretary of State, upon issuing a new series of special license plates, shall notify all law enforcement officials of the design, color and other special features of the special license plate series.

(c) This Section shall not apply to special license plate categories in existence on the effective date of this amendatory Act of 1990, or to the Secretary of State's discretion as established in Section 3-611.
(Source: P.A. 86-1207.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 1768 and 1779.

HOUSE BILL 1786. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Drivers Education & Safety, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1786 on page 1, line 5, by replacing "Section 11-601" with "Sections 11-601 and 11-602"; and
on page 3, below line 24, by inserting the following:

"(625 ILCS 5/11-602) (from Ch. 95 1/2, par. 11-602)

Sec. 11-602. Alteration of limits by Department. Whenever the Department determines, upon the basis of an engineering and traffic investigation concerning any highway for which the Department has maintenance responsibility, that a maximum speed limit prescribed in Section 11-601 of this Chapter is greater or less than is reasonable or safe with respect to the conditions found to exist at any intersection or other place on such highway or along any part or zone thereof, the Department shall determine and declare a reasonable and safe absolute maximum speed limit applicable to such intersection or place, or along such part or zone. However, such limit shall not exceed 65 miles per hour~~, or 55 miles per hour for a second division vehicle designed or used for the carrying of a gross weight of 8,001 pounds or more (including the weight of the vehicle and maximum load),~~ on a highway or street which is especially designed for through traffic and to, from, or over which owners of or persons having an interest in abutting property or other persons have no right or easement, or only a limited right or easement, of access, crossing, light, air, or view, and shall not exceed 55 miles per hour on any other highway. Where a highway under the Department's jurisdiction is contiguous to school property, the Department may, at the school district's request, set a reduced maximum speed limit for student safety purposes in the portion of the highway that faces the school property and in the portions of the highway that extend one-quarter mile in each direction from the opposite ends of the school property. A limit determined and declared as provided in this Section becomes effective, and suspends the applicability of the limit prescribed in Section 11-601 of this Chapter, when appropriate signs giving notice of the limit are erected at such intersection or other place, or along such part or zone of the highway. Electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel; if so used in violation hereof, evidence obtained thereby shall be inadmissible in any prosecution for speeding. However, nothing in this Section prohibits the use of such electronic speed-detecting devices within 500 feet of a sign within a special school speed zone indicating such zone, conforming to the requirements of Section 11-605 of this Act, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone.
(Source: P.A. 93-624, eff. 12-19-03.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 1790, 1799 and 1855.

HOUSE BILL 1882. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 1882 on page 7, line 5, by inserting "with" immediately after "patient"; and
on page 7, line 6, by deleting "or disorder,"; and
on page 7, line 8, by deleting "and"; and
on page 7, line 25, by deleting "and" and
on page 8, line 6, by deleting "and".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 1917 and 1923.

HOUSE BILL 1947. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Registration and Regulation, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1947 on page 1, line 6, by replacing "Section 0.10" with "Sections 0.10 and 1.5"; and
on page 2, immediately below line 8, by inserting the following:
"(225 ILCS 105/1.5 new)
Sec. 1.5. Exemption. This Act does not apply to any organized sanctioning body or accredited school competing in amateur kick-boxing, mixed martial arts, or boxing.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 1969, 1972, 2023 and 2024.

HOUSE BILL 3394. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment & Energy, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 3394 on page 2, lines 16 through 18, by replacing "the United States Green Building Council's Leadership in Environmental and Energy Design (LEED) rating system" with "nationally recognized and accepted green building guidelines, standards, or systems"; and
on page 2, by replacing lines 20 through 22 with "homes, schools, or neighborhood development. The grant program shall be permissive and".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 3446, 3454, 3487, 3567, 3593, 3604, 3618 and 3652.

HOUSE BILL 499. Having been reproduced, was taken up and read by title a second time.

Representative Sacia offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 499 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Local Library Act is amended by changing Section 4-3.3 as follows:

(75 ILCS 5/4-3.3) (from Ch. 81, par. 4-3.3)

Sec. 4-3.3. Nominations for the position of library trustee including the first board of library trustees shall be by petition, signed by at least 25 ~~50~~ legal voters residing in the incorporated town or village (except a village under the commission form of government) or township and filed with the clerk of such incorporated town, village, or township within the time prescribed by the general election law. Such clerk shall certify the candidates for library trustees to the proper election authorities who shall conduct the election in accordance with the general election law. All candidates must be residents of the incorporated town, village or township involved. The ballots shall not designate any political party, platform or political principle.

(Source: P.A. 85-751.)".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 1922. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Elementary & Secondary Education, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1922 as follows:

on page 1, line 7, by replacing "Agriculture education" with "Agriculture science"; and

on page 1, by replacing line 9 with the following:

"agricultural science teacher education training continuum beginning at the secondary level and shall"; and

on page 1, line 10, by replacing "education" with "science"; and

on page 1, line 15, by replacing "education teacher" with "science teacher".

Representative Moffitt offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 1922 on page 1, line 8, by replacing "The" with "Subject to appropriation, the".

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 1926. Having been reproduced, was taken up and read by title a second time.

Representative Stephens offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 1926 on page 1, line 8, by replacing "The" with "Subject to appropriation, the"; and

on page 1, line 14, after the period, by inserting the following:

"The State Board of Education shall seek the guidance of a national organization offering gun safety courses and materials in developing the weapons safety program.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 3762. Having been reproduced, was taken up and read by title a second time.

Representative Lang offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 3762 as follows:
on page 1, line 5, after "Act", by inserting "of 2007"; and
on page 36, immediately below line
"Section 90. The Interstate Compact on Placement of Children Act is amended by adding Section 7.5 as follows:
(45 ILCS 15/7.5 new)
Sec. 7.5. Interstate Compact for the Placement of Children Act of 2007. The Interstate Compact for the Placement of Children under the Interstate Compact for Placement of Children Act of 2007 is intended to be a revised version and continuation of the Interstate Compact for the Placement of Children under this Act. If the interstate compact set forth under the Interstate Compact for the Placement of Children Act of 2007 becomes operative under the terms of that compact, then the provisions of the compact under this Act remain in effect and enforceable with respect to any actions undertaken prior to the operative date of the compact set forth under the Interstate Compact for the Placement of Children Act of 2007. Actions undertaken on or after that operative date, however, shall be governed by the interstate compact under the Interstate Compact for the Placement of Children Act of 2007.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 378. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 378 by replacing everything after the enacting clause with the following:
"Section 1. Short title. This Act may be cited as the MRSA Screening and Reporting Act.
Section 5. MRSA control program. In order to improve the prevention of hospital-associated bloodstream infections due to methicillin-resistant Staphylococcus aureus ("MRSA"), every hospital shall establish an MRSA control program that requires:
(1) Identification of all MRSA-colonized patients in all intensive care units, and at-risk patients identified by the hospital, through active surveillance testing.
(2) Isolation of identified MRSA-colonized or MRSA-infected patients in an appropriate manner.
(3) Strict adherence to hand washing and hygiene guidelines.
(4) Maintenance of records and reporting of cases under Section 10 of this Act.
Section 10. Reports to Department of Public Health.
(a) For all patients who are identified with nosocomial S. aureus bloodstream infection or asymptomatic colonization due to MRSA pursuant to Section 5, the Department of Public Health shall require the annual reporting of such cases as a communicable disease or condition. The report shall include the total numbers of all nosocomial S. aureus bloodstream infections as well as subsets due to MRSA or MSSA, defined as those S. aureus bloodstream infections that are acquired during the initial stay in the hospital with onset of symptoms after 72 hours in the hospital or that are present upon readmission to the hospital within 30 days after discharge from the prior stay. The Department shall compile aggregate data from all hospitals for all such patients and shall make such data available on its website and in all reports on health statistics and reportable communicable disease cases in Illinois.
(b) The Department of Public Health shall establish by regulation a list of those communicable diseases

and conditions for which annual reporting of specific data shall be required.

(c) After October 1, 2007, such reportable diseases and conditions shall include the total number of infections due to methicillin-resistant Staphylococcus aureus (MRSA) that are (1) present on admission to a hospital and (2) present on discharge from but not present on admission to a hospital, reported separately, as compiled from diagnostic codes contained in hospital discharge data provided to the Department; provided that such reporting requirement shall apply only for patients in all intensive care units and other at-risk patients identified by hospitals for active surveillance testing for MRSA. The Department is authorized to require hospitals or any association of hospitals, after October 1, 2007, to submit data to the Department that is coded as "present on admission" and "present on discharge".

Section 90. The Regulatory Sunset Act is amended by changing Section 4.21 as follows:

(5 ILCS 80/4.21)

Sec. 4.21. Acts repealed on January 1, 2011. The following Acts are repealed on January 1, 2011:

The Fire Equipment Distributor and Employee Regulation Act of 2000.

The Radiation Protection Act of 1990.

The MRSA Screening and Reporting Act.

(Source: P.A. 91-752, eff. 6-2-00; 91-835, eff. 6-16-00; 92-16, eff. 6-28-01.)

Section 95. The Hospital Licensing Act is amended by changing Section 6.08 as follows:

(210 ILCS 85/6.08) (from Ch. 111 1/2, par. 147.08)

Sec. 6.08. (a) Every hospital shall provide notification as required in this Section to police officers, firefighters, emergency medical technicians, and ambulance personnel who have provided or are about to provide emergency care or life support services to a patient who has been diagnosed as having a dangerous communicable or infectious disease. Such notification shall not include the name of the patient, and the emergency services provider agency and any person receiving such notification shall treat the information received as a confidential medical record.

(b) The Department shall establish by regulation a list of those communicable reportable diseases and conditions for which notification shall be provided.

(b-5) The Department shall establish by regulation a list of those communicable diseases and conditions for which annual reporting of specific data shall be required. This subsection (b-5) is inoperative after December 31, 2010.

(b-10) After October 1, 2007, such reportable diseases and conditions shall include the total number of infections due to methicillin-resistant Staphylococcus aureus (MRSA) that are (1) present on admission to a hospital and (2) present on discharge from but not present on admission to a hospital, reported separately, as compiled from diagnostic codes contained in hospital discharge data provided to the Department; provided that such reporting requirement shall apply only for patients in all intensive care units and other at-risk patients identified by hospitals for active surveillance testing for MRSA. The Department is authorized to require hospitals or any association of hospitals, after October 1, 2007, to submit data to the Department that is coded as "present on admission" and "present on discharge". This subsection (b-10) is inoperative after December 31, 2010.

(c) The hospital shall send the letter of notification within 72 hours after a confirmed diagnosis of any of the communicable diseases listed by the Department pursuant to subsection (b), except confirmed diagnoses of Acquired Immunodeficiency Syndrome (AIDS). If there is a confirmed diagnosis of AIDS, the hospital shall send the letter of notification only if the police officers, firefighters, emergency medical technicians, or ambulance personnel have indicated on the ambulance run sheet that a reasonable possibility exists that they have had blood or body fluid contact with the patient, or if hospital personnel providing the notification have reason to know of a possible exposure.

(d) Notification letters shall be sent to the designated contact at the municipal or private provider agencies listed on the ambulance run sheet. Except in municipalities with a population over 1,000,000, a list attached to the ambulance run sheet must contain all municipal and private provider agency personnel who have provided any pre-hospital care immediately prior to transport. In municipalities with a population over 1,000,000, the ambulance run sheet must contain the company number or unit designation number for any fire department personnel who have provided any pre-hospital care immediately prior to transport. The letter shall state the names of crew members listed on the attachment to the ambulance run sheet and the name of the communicable disease diagnosed, but shall not contain the patient's name. Upon receipt of such notification letter, the applicable private provider agency or the designated infectious disease control officer of a municipal fire department or fire protection district shall contact all personnel involved in the pre-hospital or inter-hospital care and transport of the patient. Such notification letter may, but is not required to, consist of the following form:

NOTIFICATION LETTER
(NAME OF HOSPITAL)
(ADDRESS)

TO:..... (Name of Organization)

FROM:.....(Infection Control Coordinator)

DATE:.....

As required by Section 6.08 of the Illinois Hospital Licensing Act, ...(name of hospital) is hereby providing notification that the following crew members or agencies transported or provided pre-hospital care to a patient on ..... (date), and the transported patient was later diagnosed as having .....(name of communicable disease): .....(list of crew members). The Hospital Licensing Act requires you to maintain this information as a confidential medical record. Disclosure of this information may therefore result in civil liability for the individual or company breaching the patient's confidentiality, or both.

If you have any questions regarding this patient, please contact me at .....(telephone number), between .....(hours). Questions regarding exposure or the financial aspects of obtaining medical care should be directed to your employer.

(e) Upon discharge of a patient with a communicable disease to emergency personnel, the hospital shall notify the emergency personnel of appropriate precautions against the communicable disease, but shall not identify the name of the disease.

(f) The hospital may, in its discretion, take any measures in addition to those required in this Section to notify police officers, firefighters, emergency medical technicians, and ambulance personnel of possible exposure to any communicable disease. However, in all cases this information shall be maintained as a confidential medical record.

(g) Any person providing or failing to provide notification under the protocol required by this Section shall have immunity from any liability, either criminal or civil, that might result by reason of such action or inaction, unless such action or inaction is willful.

(h) Any person who willfully fails to provide any notification required pursuant to an applicable protocol which has been adopted and approved pursuant to this Section commits a petty offense, and shall be subject to a fine of $200 for the first offense, and $500 for a second or subsequent offense.

(i) Nothing in this Section shall preclude a civil action by a firefighter, emergency medical technician, or ambulance crew member against an emergency services provider agency, municipal fire department, or fire protection district that fails to inform the member in a timely fashion of the receipt of a notification letter.
(Source: P.A. 92-363, eff. 1-1-02.)

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

Representative Bellock offered and withdrew Amendment No. 2.

Representative Bellock offered the following amendment and moved its adoption:

AMENDMENT NO. 3. Amend House Bill 378, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, by replacing lines 15 and 16 with the following:

"(3) Monitoring and strict enforcement of hand hygiene requirements."; and

by replacing lines 3 through 25 on page 2 and lines 1 through 11 on page 3 with the following:

"Section 10. Reporting by Department of Public Health.

(a) After October 1, 2007, the Department of Public Health shall compile aggregate data for all hospitals on the total number of infections due to methicillin-resistant Staphylococcus aureus (MRSA) that (1) are present on admission to a hospital and (2) occurred during the hospital stay, reported separately, as compiled from diagnostic codes contained in the Hospital Discharge Dataset provided to the Department; provided, that this reporting requirement shall apply only for patients in all intensive care units and other at-risk patients identified by hospitals for active surveillance testing for MRSA. The Department is authorized to require hospitals, based on guidelines developed by the National Center for Health Statistics, after October 1, 2007, to submit data to the Department that is coded as "present on admission" and "occurred during the stay".

(b) The Department shall make such data available on its web site, in an annual report, and on the Hospital Report Card pursuant to the Hospital Report Card Act."; and

on page 3, by deleting line 23; and

by deleting all of pages 4 through 7; and

on page 8, by deleting lines 1 through 11.

The foregoing motion prevailed and Amendment No. 3 was adopted.

There being no further amendments, the foregoing Amendments numbered 1 and 3 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 145 and 251.

HOUSE BILL 365. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 365 by replacing everything after the enacting clause with the following:

"Section 5. The Conservation District Act is amended by changing Sections 5 and 6 and adding Section 18.1 as follows:

(70 ILCS 410/5) (from Ch. 96 1/2, par. 7105)

Sec. 5. Board of trustees.

(a) The affairs of a conservation district shall be managed by a board consisting ~~which shall consist~~ of 5 trustees, except as otherwise provided in this Section. If the boundaries of the district are coextensive with the boundaries of one county, the trustees shall be residents of that county. If the district embraces 2 counties, 3 trustees shall be residents of the county with the larger population and 2 trustees shall be residents of the other county. If the district embraces 3 counties, one trustee shall be a resident of the county with the smallest population and each of the other counties shall have 2 resident trustees. If the district embraces 4 counties, 2 trustees shall be residents of the county with the largest population and each of the other counties shall have one resident trustee. If the district embraces 5 counties, each county shall have one resident trustee.

(b) A district that is entirely within a county of under 750,000 inhabitants and contiguous to a county of more than 2,000,000 inhabitants and that is authorized by referendum as provided in subsection (d) of Section 15 to incur indebtedness over 0.575% but not to exceed 1.725% shall have a board consisting of 7 trustees, all of whom shall be residents of the county. The additional 2 trustees shall be appointed by the chairman of the county board, with the consent of the county board, and shall hold office for terms expiring on June 30 as follows: one trustee after 4 years and one trustee after 5 years from the date of the referendum. Successor trustees shall be appointed in the same manner no later than June 1 before the commencement of the term of the trustee.

(c) Trustees shall be qualified voters of the ~~such~~ district who do not hold any other public office and are not officers of any political party. Trustees, if nominated by the county board chairman as hereinafter provided, shall be selected on the basis of their demonstrated interest in the purpose of conservation districts.

(d) If the trustees are appointed, the ~~The~~ chairman of the county board for the county of which the trustee is a resident shall, with the consent of the county board of that county, appoint the first trustees who shall hold office for terms expiring on June 30 after one, 2, 3, 4, and 5 year periods respectively as determined and fixed by lot. Thereafter, successor appointed trustees shall be appointed for a term of 5 years in the same manner no later than June 1 prior to the commencement of term of the trustee. If the term of office of any appointed trustee expires before the first election of trustees under subsection (i) after referendum approval of elected trustees, the chairman of the county board who appointed that trustee under this subsection shall appoint a successor to serve until a successor is elected and has qualified.

(e) When a vacancy occurs in the office of trustee, whether by death, resignation, refusal to qualify, no longer being a qualified voter of the district, or for any other reason, the board of trustees shall declare that a vacancy exists. The vacancy shall be filled within 60 days. ~~Each successor trustee shall serve for a term of 5 years.~~ A vacancy occurring otherwise than by expiration of term , for appointed trustees, shall be filled for the unexpired term by appointment of a trustee by the county board chairman of the county of which the trustee shall be a resident, with the approval of the county board of that county. An appointed ~~A~~ trustee who has served a full term of 5 years is ineligible to serve as a trustee for a period of one year following the

expiration of his or her term. In the case of an elected trustee, appointment of an eligible person shall be by the president of the board of trustees with the advice and consent of the other trustees. The appointee shall serve the remainder of the unexpired term. If, however, more than 28 months remain in the term of the elected trustee and the vacancy occurs at least 182 days before the next general election, the appointment shall be until the next general election, at which time the vacated office of the elected trustee shall be filled by election for the remainder of the term.

If a vacancy occurs in the office of president of the board of trustees, the remaining trustees shall select one of their number to serve as president for the balance of the unexpired term of the president in whose office the vacancy occurred.

When any trustee during his or her term of office shall cease to be a bona fide resident of the district, or shall move from one township or congressional township in the district to another so that the township residency requirements of this Section are no longer met, then he is disqualified as a trustee and his office becomes vacant. If the district has decided to elect or appoint trustees from single member subdistricts under subsection (i), then when any trustee during his or her term of office shall cease to be a bona fide resident of the subdistrict he or she is disqualified as a trustee and the office becomes vacant.

(f) Trustees shall serve without compensation, but may be paid their actual and necessary expenses incurred in the performance of their official duties.

(g) An appointed ~~A~~ trustee may be removed for cause by the county board chairman for the county of which the trustee is a resident, with the approval of the county board of that county, but every ~~such~~ removal shall be by a written order and ~~, which~~ shall be filed with the county clerk.

(h) A conservation district with 5 trustees may determine by majority vote of the board to increase the size of the board to 7 trustees. With respect to a 7-member board, no more than 3 members may be residents of any township in a county under township organization or of any congressional township in a county not under township organization. In the case of a 7-member board representing a district that embraces 2 counties, 4 trustees shall be residents of the county with the larger population and 3 trustees shall be residents of the other county. If the district embraces 3 counties, 2 trustees shall be residents of each of the 2 counties with the smallest population and the largest county shall have 3 resident trustees. If the district embraces 4 counties, one trustee shall be a resident of the county with the smallest population and each of the other counties shall have 2 resident trustees. If the district embraces 5 counties, the 2 counties with the largest population shall each have 2 resident trustees and each of the other counties shall have one resident trustee. The pertinent appointing authorities shall appoint the additional 2 trustees to initial terms as equally staggered as possible from the terms of the trustees already appointed from that township or county so that 2 trustees representing the same area shall not be succeeded in the same year.

(i) Except as provided in subsection (b), a conservation district in a county adjacent to a county with more than 3,000,000 inhabitants may determine by referendum (i) to have an elected or appointed board of trustees, (ii) to have a board of trustees with 5 or 7 members, and (iii) to have trustees chosen at large or from single member subdistricts. If the boundaries of the district are coextensive with the boundaries of a single county, the county board may determine by ordinance to hold the referendum; or if the boundaries of the district are embraced by more than one county, the county boards of each county in the district, jointly, may determine by ordinance to hold the referendum; or a petition signed by not less than 5% of the electors of the entire district who voted in the last gubernatorial election may be submitted to the board of trustees requiring the district to hold the referendum.

The secretary of the board of trustees shall certify the proposition to the appropriate election authorities who shall submit the proposition at a consolidated or general election according to the Election Code. The Election Code shall apply to and govern the election. The proposition shall be in substantially the following form:

Shall the (insert name) Conservation District have an (insert "elected" or "appointed") board of trustees with (insert "5" or "7") trustees chosen (insert "at large" or "from single member subdistricts")? The votes shall be recorded as "Yes" or "No".

If a majority of the votes cast on the proposition are in the affirmative, the trustees of the district shall thereafter be chosen as provided in this paragraph. At the next consolidated election, a district that has decided by referendum to have its trustees elected rather than appointed shall elect 5 or 7 trustees as provided in the ordinance or petition and in the proposition. The trustees shall be elected on a nonpartisan basis. The provisions of the general election law shall apply to and govern the nomination and election of the trustees.

(1) If the district has decided to elect or appoint at large trustees, then with respect to a 5-member board, the residency of members shall be the same as prescribed in subsection (a).

With respect to a 7-member board, no more than 3 members may be residents of any township in a county under township organization or of any congressional township in a county not under township organization. In the case of a 7-member board representing a district that embraces 2 counties, 4 trustees shall be residents of the county with the larger population and 3 trustees shall be residents of the other county. If the district embraces 3 counties, 2 trustees shall be residents of each of the 2 counties with the smaller populations and the county with the largest population shall have 3 resident trustees. If the district embraces 4 counties, one trustee shall be a resident of the county with the smallest population and each of the other counties shall have 2 resident trustees. If the district embraces 5 counties, the 2 counties with the largest populations shall each have 2 resident trustees and each of the other counties shall have one resident trustee.

(2) If the district has decided to elect or appoint trustees from single member subdistricts, then with respect to a 5-member board of a district embracing a single county, the county board shall apportion the district into 5 subdistricts. One trustee shall be a resident of and elected or appointed from each of the 5 subdistricts. In the case of a 5-member board of a district embracing more than one county, the members of each county board shall, jointly, apportion the district into 5 subdistricts. One trustee shall be a resident of and elected or appointed from each of the 5 subdistricts. The initial subdistricts shall be apportioned within 90 days after the referendum is approved, and the subdistricts shall be reapportioned after each decennial census.

With respect to a 7-member board of a district embracing a single county, the county board shall apportion the district into 7 subdistricts. One trustee shall be a resident of and elected or appointed from each of the 7 subdistricts. In the case of a 7-member board of a district embracing more than one county, the members of each county board shall, jointly, apportion the district into 7 subdistricts. One trustee shall be a resident of and elected or appointed from each of the 7 subdistricts. The initial subdistricts shall be apportioned within 90 days after the referendum is approved, and the subdistricts shall be reapportioned after each decennial census.

(j) When a conservation district determines to elect or appoint trustees as provided in subsection (i), the terms of these trustees shall commence on the first Monday of December following the election. The terms of all trustees previously appointed or elected under this Section shall expire on the first Monday of December following the first election.

(1) If the district has decided to elect or appoint at-large trustees, then the initial elected board of trustees shall, no later than 45 days after taking office, divide themselves publicly by lot as equally as possible into 2 groups. Trustees or their successors from the larger group shall serve for terms of 4 years; the initial elected trustees from the second group shall serve for terms of 2 years, and their successors shall be elected for terms of 4 years.

(2) If the district has decided to elect or appoint trustees from single member subdistricts, then the members of the initial elected board of trustees and each subsequent board elected prior to the first decennial census following the initial apportionment shall be elected to a term of 2 years. In the year following the first decennial census occurring after the initial apportionment and in the year following each subsequent decennial census, the 5 or 7 subdistricts shall be reapportioned to reflect the results of the census. The board of trustees elected in the first election following a decennial census shall, no later than 45 days after taking office, divide themselves publicly by lot as equally as possible into 3 groups. Trustees or their successors from one group shall be elected to terms of 4 years, 4 years, and 2 years. Trustees or their successors from the second group shall be elected to terms of 4 years, 2 years, and 4 years. The trustee or successors from the third group shall be elected to terms of 2 years, 4 years, and 4 years.

(Source: P.A. 94-617, eff. 8-18-05.)

(70 ILCS 410/6) (from Ch. 96 1/2, par. 7106)

Sec. 6. Officers and employees. As soon as possible after the initial election or the initial appointments, as the case may be ~~Within 60 days after their selection~~, the trustees shall organize by selecting from their members a president, secretary, treasurer , and ~~such~~ other officers as are deemed necessary, who shall hold office for 2 years in the case of an elected board, or the fiscal year in which elected in the case of an appointed board, and until their successors are selected and qualify. Three trustees shall constitute a quorum of the board for the transaction of business if the district has 5 trustees. If the district has 7 trustees, 4 trustees shall constitute a quorum of the board for the transaction of business. The board shall hold regular monthly meetings. Special meetings may be called by the president and shall be called on the request of a majority of members, as may be required.

The board shall provide for the proper and safe keeping of its permanent records and for the recording of the corporate action of the district. It shall keep a proper system of accounts showing a true and accurate

record of its receipts and disbursements, and it shall cause an annual audit to be made of its books, records, and accounts.

The records of the district shall be subject to public inspection at all reasonable hours and under ~~such~~ regulations as the board may prescribe.

The district shall annually make a full and complete report to the county board of each county within the district and to the Department of Natural Resources of its transactions and operations for the preceding year. The ~~Such~~ report shall contain a full statement of its receipts, disbursements , and the program of work for the period covered, and may include ~~such~~ recommendations as may be deemed advisable.

Executive or ministerial duties may be delegated to one or more trustees or to an authorized officer, employee, agent, attorney, or other representative of the district.

All officers and employees authorized to receive or retain the custody of money or to sign vouchers, checks, warrants, or evidences of indebtedness binding upon the district shall furnish surety bond for the faithful performance of their duties and the faithful accounting for all moneys that may come into their hands in an amount to be fixed and in a form to be approved by the board.

All contracts for supplies, material, or work involving an expenditure in excess of $20,000 shall be let to the lowest responsible bidder, after due advertisement, excepting work requiring personal confidence or necessary supplies under the control of monopolies, where competitive bidding is impossible. All contracts for supplies, material, or work shall be signed by the president of the board and by any ~~such~~ other officer as the board in its discretion may designate.

(Source: P.A. 94-454, eff. 8-4-05.)

(70 ILCS 410/18.1 new)

Sec. 18.1. Organization as a forest preserve district. The voters of a conservation district that is entirely within one county may, by a single referendum proposition, dissolve the conservation district under Section 18 of this Act and incorporate as a forest preserve district under Section 1 the Downstate Forest Preserve District Act. The referendum may be placed on the ballot upon either of the following:

(1) An ordinance by the county board of the county in which the district lies requiring the referendum.

(2) The filing of a petition with the board of trustees signed by the electors of the district equal in number to 8% or more of the total number of votes cast for Governor district-wide in the most recent gubernatorial election asking that the question of whether the district shall be dissolved and organized as a forest preserve district.

The Secretary of the board of trustees of the county board or the board of trustees, as appropriate, shall certify the proposition to the appropriate election authorities who shall submit the proposition at a consolidated or general election according to the Election Code. The Election code shall apply to and govern the election.

The proposition shall be in substantially the following form:

Shall (insert name) Conservation District be dissolved under the provisions of Section 18 of the Conservation District Act and be organized as a forest preserve district under the provisions of the Downstate Forest Preserve District Act?

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

If a majority of the votes cast on the proposition are in the affirmative, the conservation district shall be deemed to be dissolved under Section 18 of the Conservation District Act and the territory shall be incorporated as a forest preserve district under Section 1 of the Downstate Forest Preserve District Act. The resulting forest preserve district shall not be deemed to be the legal successor or assign of the dissolved conservation district.

Section 10. The Downstate Forest Preserve District Act is amended by changing Section 1 as follows:

(70 ILCS 805/1) (from Ch. 96 1/2, par. 6302)

Sec. 1. Whenever any area of contiguous territory lying wholly within one county contains one or more natural forests or parks thereof and one or more cities, towns or villages, such territory may be incorporated as a forest preserve district by a referendum passed under Section 18.1 of the Conservation District Act or in the following manner, to wit:

Any 500 legal voters residing within the limits of such proposed district may petition the circuit court of the county in which such proposed district lies, to order the question to be submitted to the legal voters of such proposed district whether or not it shall be organized as a forest preserve district under this act. Such petition shall be addressed to the circuit court of the county in which such proposed forest preserve district is situated and shall contain a definite description of the territory intended to be embraced in such district, and the name of such district. Upon the filing of such petition in the office of the clerk of the circuit court of the county in which such territory is situated, it shall be the duty of such circuit court to fix a day and

hour for the public consideration thereof, which shall not be less than 15 days after the filing of such petition. Such circuit court shall cause a notice of the time and place of such public consideration to be published 3 successive days in some newspaper having a general circulation in the territory proposed to be placed in such district. The date of the last publication of such notice shall not be less than 5 days prior to the time set for such public hearing. At the time and place fixed for such public hearing the circuit court shall hear any person owning property in such proposed district who desires to be heard, and if the circuit judge finds that all of the provisions of this act have been complied with, the court shall enter an order fixing and defining the boundaries and the name of such proposed district in accordance with the prayer of the petition. In the event that any other petition or petitions for the organization of a forest preserve district or districts in the same county is filed under this act before the time fixed for the public hearing of the first petition, the circuit court shall postpone the public consideration of the first petition so that the hearing of all petitions shall be set for the same day and hour. In any county where there are 2 or more judges sitting at the time of filing such first petitions the clerk of the circuit court shall cause all petitions filed subsequent to the first petition to be assigned to the judge to whom the first petition is assigned so that all such petitions may be heard by the same judge.

Should 2 or more petitions be filed under this act and come on for hearing at the same time and it shall be found by the circuit court that any of the territory embraced in any one of the petitions is included in or contiguous with the territory embraced in any other petition or petitions, the circuit court may include all of the territory described in such petitions in one district and shall fix the name proposed in the petition first filed as the name for the district. After the entry of the order fixing and defining the boundaries and the name of such proposed district, it shall be the duty of the circuit court to order to be submitted to the legal voters of such proposed district at any election, the question of the organization of such proposed district. The clerk of the circuit court shall certify the order and the question to the proper election officials who shall submit the question to the voters of the proposed district in accordance with the general election law. Notice of the referendum shall contain a definite description of the territory intended to be embraced in such district, and the name of such district.

(Source: P.A. 83-1362.)".

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 368.

HOUSE BILL 371. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 371 on page 2, by replacing lines 11 through 13 with the following:

"j. Original card issued on or after July 1, 2007 under 18 years of age.....	$10
k. Renewal card issued on or after July 1, 2007 under 18 years of age.....	$10
l. Corrected card issued on or after July 1, 2007 under 18 years of age.....	$5
m. Duplicate card issued on or after July 1, 2007 under 18 years of age.....	$10".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 324, 539, 654, 994, 1256, 1257 and 1277.

HOUSE BILL 1299. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment & Energy, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1299, on page 1, line 18, after the period, by inserting the following:

"The Department shall report to the General Assembly, no later than 3 months after completion of the project, the results of an initial evaluation of the performance of rubberized asphalt and shall subsequently report its findings once every 3 months.

This Section is repealed 3 years after the effective date of this amendatory Act of the 95th General Assembly.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 1236 and 1491.

HOUSE BILL 937. Having been reproduced, was taken up and read by title a second time.

Representative William Davis offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 937 as follows:

on page 5, by replacing lines 7 through 15 with the following:

"2005 and that is used for wood combustion facilities for energy recovery that accept and burn only wood material, as included in a fuel specification approved by the Agency.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 246. Having been reproduced, was taken up and read by title a second time.

Representative McCarthy offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 246 on page 10, line 14, by replacing "income" with "revenue".

The foregoing motion prevailed and Amendment No. 1 was adopted.

Floor Amendment No. 2 remained in the Committee on Rules.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 1074. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1074 by replacing everything after the enacting clause

with the following:

"Section 5. The Cemetery Care Act is amended by adding Section 12.1 and by changing Section 14 as follows:

(760 ILCS 100/12.1 new)

Sec. 12.1. Any cemetery association, as established pursuant to the Cemetery Association Act, holding $75,000 or less in its care funds, in lieu of complying with the annual report requirements of Section 12 of this Act, shall file with the Comptroller a financial report containing information required by the Comptroller. Each report shall be made under oath and shall be in the form furnished by the Comptroller. The report shall be filed free of cost. If any financial report shows that the amount of the care funds held in trust at the end of the preceding calendar year or fiscal year, as the case may be, has increased in amount greater than $75,000, then, for the next calendar or fiscal year, as the case may be, the cemetery association shall file an annual report as required under Section 12 of this Act.

(760 ILCS 100/14) (from Ch. 21, par. 64.14)

Sec. 14. The Comptroller may at any time investigate the cemetery business of every licensee with respect to its care funds. The Comptroller shall examine at least annually every licensee who holds $750,000 ~~$250,000~~ or more in its care funds. For that purpose, the Comptroller shall have free access to the office and places of business and to such records of all licensees and of all trustees of the care funds of all licensees as shall relate to the acceptance, use and investment of care funds. The Comptroller may require the attendance of and examine under oath all persons whose testimony he may require relative to such business and in such cases the Comptroller or any qualified representative of the Comptroller whom the Comptroller may designate, may administer oaths to all such persons called as witnesses, and the Comptroller, or any such qualified representative of the Comptroller, may conduct such examinations. The cost of an initial examination shall be borne by the cemetery authority if it has $10,000 or more in such fund; otherwise, by the Comptroller. The charge made by the Comptroller for such examination shall be based upon the total amount of care funds held by the cemetery authority as of the end of the calendar or fiscal year for which a report is required by Section 12 of this Act and shall be in accordance with the following schedule:

less than $10,000.....no charge;
$10,000 or more but less than
$50,000.....$10;
$50,000 or more but less than
$100,000.....$40;
$100,000 or more but less than
$250,000.....$80;
$250,000 or more.....$100.

Any licensee which is not required to be examined annually shall submit an annual report to the Comptroller containing such information as the Comptroller reasonably may request.

The Comptroller may order additional audits or examinations as he or she may deem necessary or advisable to ensure the safety and stability of the trust funds and to ensure compliance with this Act. These additional audits or examinations shall only be made after good cause is established by the Comptroller in the written order. The grounds for ordering these additional audits or examinations may include, but shall not be limited to:

(1) material and unverified changes or fluctuations in trust balances;

(2) the licensee changing trustees more than twice in any 12-month period;

(3) any withdrawals or attempted withdrawals from the trusts in violation of this Act;

or

(4) failure to maintain or produce documentation required by this Act for deposits into trust accounts or trust investment activities.

Prior to ordering an additional audit or examination, the Comptroller shall request the licensee to respond and comment upon the factors identified by the Comptroller as warranting the subsequent examination or audit. The licensee shall have 30 days to provide a response to the Comptroller. If the Comptroller decides to proceed with the additional examination or audit, the licensee shall bear the full cost of that examination or audit, up to a maximum of $7,500. The Comptroller may elect to pay for the examination or audit and receive reimbursement from the licensee. Payment of the costs of the examination or audit by a licensee shall be a condition of receiving or maintaining a license under this Act. All moneys received by the Comptroller for examination or audit fees shall be maintained in a separate account to be known as the Comptroller's Administrative Fund. This Fund, subject to appropriation by the General Assembly, may be

utilized by the Comptroller for enforcing this Act and other purposes that may be authorized by law.
(Source: P.A. 89-615, eff. 8-9-96.)

Section 99. Effective date. This Act takes effect January 1, 2008.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 3374.

RECALLS

At the request of the principal sponsor, Representative Flider, HOUSE BILL 1119 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

At the request of the principal sponsor, Representative Fritchey, HOUSE BILL 773 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

At the request of the principal sponsor, Representative Dugan, HOUSE BILL 998 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

At the request of the principal sponsor, Representative Hannig, HOUSE BILL 1347 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

At the request of the principal sponsor, Representative Winters, HOUSE BILL 1855 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

HOUSE BILL ON SECOND READING

HOUSE BILL 618. Having been reproduced, was taken up and read by title a second time.

Representative Black moved that the request for a Balanced Budget note is inapplicable.
And on that motion, a vote was taken resulting as follows:
77, Yeas; 38, Nays; 1, Answering Present.
(ROLL CALL 2)
The motion prevailed.
The Balanced Budget Note is inapplicable.
Representative Black moved that the Home Rule, Judicial, State Debt and State Mandate notes requested are inapplicable.
Representative Monique Davis requested to divide the question.
Representative Black moved that the request for the State Mandate note is inapplicable.
And on that motion, a vote was taken resulting as follows:
98, Yeas; 5, Nays; 10, Answering Present.
(ROLL CALL 3)
The motion prevailed.
The State Mandate Fiscal Note is inapplicable.
Representative Black moved that the Home Rule note be ruled inapplicable.
Representative Monique Davis withdrew her remaining note requests.

There being no further amendments, the bill was ordered held on the order of Second Reading.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 188, 190, 191, 192, 194, 195, 196, 197, 198, 201 and 202 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

At the hour of 1:57 o'clock p.m., Representative Currie moved that the House do now adjourn until Wednesday, March 14, 2007, at 12:00 o'clock noon, allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

NO. 1

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

March 13, 2007

0 YEAS 0 NAYS 116 PRESENT

P Acevedo	P Dugan	P Krause	P Reboletti
P Arroyo	P Dunkin	P Lang	P Reis
P Bassi	P Dunn	P Leitch	P Reitz
P Beaubien	P Durkin	P Lindner	P Riley
P Beiser	P Eddy	P Lyons	P Rita
P Bellock	P Feigenholtz	P Mathias	P Rose
P Berrios	P Flider	P Mautino	P Ryg
P Biggins	P Flowers	P May	P Sacia
P Black	P Ford	P McAuliffe	P Saviano
P Boland	P Fortner	P McCarthy	P Schmitz
P Bost	P Franks	P McGuire	P Schock
P Bradley, John	P Fritchey	P Mendoza	P Scully
P Bradley, Richard	P Froehlich	P Meyer	P Smith
P Brady	P Golar	P Miller	P Sommer
P Brauer	P Gordon	P Mitchell, Bill	P Soto
P Brosnahan	P Graham	P Mitchell, Jerry	P Stephens
P Burke	P Granberg	P Moffitt	P Sullivan
P Chapa LaVia	P Hamos	P Molaro	P Tracy
P Coladipietro	P Hannig	P Mulligan	P Tryon
P Cole	P Harris	P Munson	P Turner
P Collins	P Hassert	P Myers	P Verschoore
P Colvin	P Hernandez	P Nekritz	P Wait
P Coulson	P Hoffman	P Osmond	P Washington
P Crespo	P Holbrook	P Osterman	P Watson
P Cross	P Howard	E Patterson	P Winters
P Cultra	P Jakobsson	P Phelps	P Yarbrough
P Currie	P Jefferies	P Pihos	P Younge
P D'Amico	P Jefferson	P Poe	A Mr. Speaker
P Davis, Monique	P Joyce	P Pritchard	
P Davis, William	P Kosel	P Ramey	

E - Denotes Excused Absence

NO. 2

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 618
MEDICAID-PERSONAL NEED-TOBACCO
SECOND READING
BALANCED BUDGET NOTE--INAPPLICABLE
PREVAILED

March 13, 2007

77 YEAS 38 NAYS 1 PRESENT

Y Acevedo	N Dugan	Y Krause	Y Reboletti
Y Arroyo	N Dunkin	N Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	N Riley
N Beiser	Y Eddy	N Lyons	Y Rita
Y Bellock	N Feigenholtz	Y Mathias	Y Rose
N Berrios	P Flider	N Mautino	N Ryg
N Biggins	Y Flowers	N May	Y Sacia
Y Black	N Ford	Y McAuliffe	Y Saviano
N Boland	Y Fortner	N McCarthy	Y Schmitz
Y Bost	Y Franks	N McGuire	Y Schock
N Bradley, John	N Fritchey	N Mendoza	N Scully
N Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	N Miller	Y Sommer
Y Brauer	N Gordon	Y Mitchell, Bill	Y Soto
N Brosnahan	N Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	N Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	N Hamos	Y Molaro	Y Tracy
Y Coladipietro	N Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
N Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	E Patterson	Y Winters
Y Cultra	N Jakobsson	N Phelps	N Yarbrough
N Currie	Y Jefferies	Y Pihos	N Younge
N D'Amico	Y Jefferson	Y Poe	A Mr. Speaker
N Davis, Monique	N Joyce	Y Pritchard	
N Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 3

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 618
MEDICAID-PERSONAL NEED-TOBACCO
SECOND READING
STATE MANDATES--INAPPLICABLE
PREVAILED

March 13, 2007

98 YEAS 5 NAYS 10 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	N Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	P Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	P Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
A Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	P Fritchey	Y Mendoza	N Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	P Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	P Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	N Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	P Turner
A Collins	Y Hassert	Y Myers	Y Verschoore
P Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	P Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	N Howard	E Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	P Yarbrough
A Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	A Mr. Speaker
N Davis, Monique	Y Joyce	Y Pritchard	
P Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

25TH LEGISLATIVE DAY

Perfunctory Session

TUESDAY, MARCH 13, 2007

At the hour of 2:11 o'clock p.m., the House convened perfunctory session.

INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced, read by title a first time, ordered reproduced and placed in the Committee on Rules:

HOUSE BILL 3772. Introduced by Representative Saviano, AN ACT concerning appropriations.

HOUSE BILL 3773. Introduced by Representatives Madigan - Hannig - Soto, AN ACT concerning appropriations.

HOUSE BILL 3774. Introduced by Representatives Madigan - Hannig - Soto, AN ACT concerning appropriations.

HOUSE BILL 3775. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3776. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3777. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3778. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3779. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3780. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3781. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3782. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3783. Introduced by Representatives Madigan - Hannig - Davis, Monique - Riley, AN ACTmaking appropriations.

HOUSE BILL 3784. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations to the Auditor General.

HOUSE BILL 3785. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3786. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3787. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3788. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3789. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3790. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3791. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3792. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3793. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3794. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3795. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3796. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3797. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3798. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3799. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3800. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3801. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3802. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3803. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3804. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3805. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3806. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3807. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3808. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 3809. Introduced by Representatives Madigan - Hannig - Miller, AN ACT concerning appropriations.

HOUSE BILL 3810. Introduced by Representatives Madigan - Hannig - Miller, AN ACT concerning appropriations.

HOUSE BILL 3811. Introduced by Representatives Madigan - Hannig - Miller, AN ACT concerning appropriations.

HOUSE BILL 3812. Introduced by Representatives Madigan - Hannig - Miller, AN ACT concerning appropriations.

HOUSE BILL 3813. Introduced by Representatives Madigan - Hannig - Miller, AN ACT concerning appropriations.

HOUSE BILL 3814. Introduced by Representatives Madigan - Hannig - Miller, AN ACT concerning appropriations.

HOUSE BILL 3815. Introduced by Representatives Madigan - Hannig - Miller, AN ACT concerning appropriations.

HOUSE BILL 3816. Introduced by Representatives Madigan - Hannig - Miller, AN ACT concerning appropriations.

HOUSE BILL 3817. Introduced by Representatives Madigan - Hannig - Miller, AN ACT concerning appropriations.

HOUSE BILL 3818. Introduced by Representatives Madigan - Hannig - Miller, AN ACT concerning appropriations.

HOUSE BILL 3819. Introduced by Representatives Madigan - Hannig - Miller, AN ACT concerning appropriations.

HOUSE BILL 3820. Introduced by Representatives Madigan - Hannig - Miller, AN ACT concerning appropriations.

HOUSE BILL 3821. Introduced by Representatives Madigan - Hannig - Miller, AN ACT concerning appropriations.

HOUSE BILL 3822. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT concerning appropriations.

HOUSE BILL 3823. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT concerning appropriations.

HOUSE BILL 3824. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT concerning appropriations.

HOUSE BILL 3825. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT concerning appropriations.

HOUSE BILL 3826. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT concerning appropriations.

HOUSE BILL 3827. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT concerning appropriations.

HOUSE BILL 3828. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT concerning appropriations.

HOUSE BILL 3829. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT concerning appropriations.

HOUSE BILL 3830. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT concerning appropriations.

HOUSE BILL 3831. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT concerning appropriations.

HOUSE BILL 3832. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT concerning appropriations.

HOUSE BILL 3833. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT concerning appropriations.

HOUSE BILL 3834. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT concerning appropriations.

HOUSE BILL 3835. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT concerning appropriations.

HOUSE BILL 3836. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3837. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3838. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3839. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3840. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3841. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3842. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3843. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3844. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3845. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3846. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3847. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3848. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3849. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3850. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3851. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3852. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3853. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3854. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3855. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3856. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3857. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3858. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3859. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT concerning appropriations.

HOUSE BILL 3860. Introduced by Representatives Madigan - Hannig - Soto, AN ACT making appropriations.

HOUSE BILL 3861. Introduced by Representatives Madigan - Hannig - Soto, AN ACT making appropriations.

HOUSE BILL 3862. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3863. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3864. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3865. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3866. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3867. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3868. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3869. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3870. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3871. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3872. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3873. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3874. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3875. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3876. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3877. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3878. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3879. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3880. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3881. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3882. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3883. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3884. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3885. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3886. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3887. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3888. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3889. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3890. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3891. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3892. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3893. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3894. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3895. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3896. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3897. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3898. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3899. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3900. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3901. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3902. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3903. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3904. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3905. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3906. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3907. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3908. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3909. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3910. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3911. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3912. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3913. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3914. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3915. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT making appropriations.

HOUSE BILL 3916. Introduced by Representatives Madigan - Hannig - Miller, AN ACT making appropriations.

HOUSE BILL 3917. Introduced by Representatives Madigan - Hannig - Miller, AN ACT making appropriations.

HOUSE BILL 3918. Introduced by Representatives Madigan - Hannig - Miller, AN ACT making appropriations.

HOUSE BILL 3919. Introduced by Representatives Madigan - Hannig - Miller, AN ACT making appropriations.

HOUSE BILL 3920. Introduced by Representatives Madigan - Hannig - Miller, AN ACT making appropriations.

HOUSE BILL 3921. Introduced by Representatives Madigan - Hannig - Miller, AN ACT making appropriations.

HOUSE BILL 3922. Introduced by Representatives Madigan - Hannig - Miller, AN ACT making appropriations.

HOUSE BILL 3923. Introduced by Representatives Madigan - Hannig - Miller, AN ACT making appropriations.

HOUSE BILL 3924. Introduced by Representatives Madigan - Hannig - Miller, AN ACT making appropriations.

HOUSE BILL 3925. Introduced by Representatives Madigan - Hannig - Miller, AN ACT making appropriations.

HOUSE BILL 3926. Introduced by Representatives Madigan - Hannig - Miller, AN ACT making appropriations.

HOUSE BILL 3927. Introduced by Representatives Madigan - Hannig - Miller, AN ACT making appropriations.

HOUSE BILL 3928. Introduced by Representatives Madigan - Hannig - Miller, AN ACT making appropriations.

HOUSE BILL 3929. Introduced by Representatives Madigan - Hannig - Miller, AN ACT making appropriations.

HOUSE BILL 3930. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT making appropriations.

HOUSE BILL 3931. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT making appropriations.

HOUSE BILL 3932. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT making appropriations.

HOUSE BILL 3933. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT making appropriations.

HOUSE BILL 3934. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT making appropriations.

HOUSE BILL 3935. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT making appropriations.

HOUSE BILL 3936. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT making appropriations.

HOUSE BILL 3937. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT making appropriations.

HOUSE BILL 3938. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT making appropriations.

HOUSE BILL 3939. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT making appropriations.

HOUSE BILL 3940. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT making appropriations.

HOUSE BILL 3941. Introduced by Representatives Madigan - Hannig - Feigenholtz, AN ACT making appropriations.

HOUSE BILL 3942. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3943. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3944. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3945. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3946. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3947. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3948. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3949. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3950. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3951. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3952. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3953. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3954. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3955. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3956. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3957. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3958. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3959. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3960. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3961. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

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HOUSE BILL 3968. Introduced by Representatives Madigan - Hannig - Yarbrough, AN ACT making appropriations.

HOUSE BILL 3969. Introduced by Representatives Madigan - Hannig, AN ACT making appropriations.

HOUSE BILL 3970. Introduced by Representatives Madigan - Hannig, AN ACT making appropriations.

HOUSE BILL 3971. Introduced by Representatives Madigan - Hannig, AN ACT making appropriations.

HOUSE BILL 3972. Introduced by Representative Cross, AN ACT making appropriations.

HOUSE BILL 3973. Introduced by Representative Cross, AN ACT making appropriations.

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HOUSE BILL 4041. Introduced by Representative Cross, AN ACT making appropriations.

HOUSE BILL 4042. Introduced by Representative Cross, AN ACT making appropriations.

HOUSE BILL 4043. Introduced by Representative Cross, AN ACT making appropriations.

HOUSE BILL 4044. Introduced by Representative Cross, AN ACT making appropriations.

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HOUSE BILL 4055. Introduced by Representative Cross, AN ACT making appropriations.

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HOUSE BILL 4075. Introduced by Representative Cross, AN ACT making appropriations.

HOUSE BILL 4076. Introduced by Representative Cross, AN ACT making appropriations.

HOUSE BILL 4077. Introduced by Representative Cross, AN ACT making appropriations.

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HOUSE BILL 4079. Introduced by Representative Cross, AN ACT making appropriations.

HOUSE BILL 4080. Introduced by Representative Cross, AN ACT making appropriations.

HOUSE BILL 4081. Introduced by Representative Cross, AN ACT making appropriations.

HOUSE BILL 4082. Introduced by Representative Cross, AN ACT making appropriations.

HOUSE BILL 4083. Introduced by Representative Cross, AN ACT making appropriations.

HOUSE BILL 4084. Introduced by Representatives Madigan - Hannig - Davis, Monique, AN ACT concerning appropriations.

HOUSE BILL 4085. Introduced by Representative Munson, AN ACT concerning appropriations.

SENATE BILLS ON FIRST READING

Having been reproduced, the following bills were taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 47 (Hamos), 48 (Smith), 122 (Pritchard), 182 (Dunkin), 252 (Boland) and 259 (Holbrook).

HOUSE RESOLUTIONS

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

HOUSE RESOLUTION 187

Offered by Representative Hoffman:

WHEREAS, Southern Illinois University Edwardsville (SIUE), located in the second largest metropolitan area in the State of Illinois, will celebrate its 50th Anniversary on September 24, 2007; and

WHEREAS, SIUE currently serves nearly 13,500 students from 101 Illinois counties, 43 other U.S. states, and 46 nations; and

WHEREAS, Since its inception, the institution has directly influenced the rate of individuals earning four-year degrees in the St. Louis Metropolitan area of Southern Illinois, up from 3 percent in Madison and St. Clair counties in 1957 to 20 percent today; and

WHEREAS, SIUE has conferred more than 90,000 degrees in its history, with more than 75,000 alumni; and

WHEREAS, More than 2,700 undergraduate and graduate degrees are conferred annually through programs in the College of Arts and Sciences and the schools of Business, Dental Medicine, Education, Engineering, Nursing, and Pharmacy; and

WHEREAS, SIUE contributes roughly $356 million to its regional economy, according to an Economic Impact Study released in May 2006, and more than 37,000 alumni live in the region and contribute to the economy; and

WHEREAS, SIUE's values of citizenship, excellence, integrity, openness, and wisdom are instilled in its students, preparing them to be exceptional citizens and leaders following graduation; and

WHEREAS, Over the last 50 years the institution has played a major role in elevating the quality of people's lives, as well as their earning potential in Illinois, as well as nationally, and internationally; and

WHEREAS, SIUE has improved the quality of the lives of the people of East St. Louis and the surrounding communities, helping more than 8,000 people in 2006 through services, training opportunities, and programs at the SIUE East St. Louis Center; and

WHEREAS, The School of Dental Medicine, rated among the top dental schools in the nation, is the only dental school in Illinois outside Cook County and the only dental school within 250 miles of the St. Louis Metropolitan Area; the dental school provides more than $50,000 in free oral health care to children annually through Give Kids a Smile Day and more than $30,000 annually in care to low-income and uninsured patients who otherwise might go untreated; and

WHEREAS, SIUE has been ranked two consecutive years among U.S. News & World Report's America's 15 Best Colleges, along with Harvard University, MIT, and other prestigious institutions, for its Senior Assignment Program, an integrative learning experience required for all seniors prior to graduation; and

WHEREAS, The University's Senior Assignment Program also was ranked as a model for learning assessment in the country by the American Association of Colleges & Universities in January 2007; and

WHEREAS, The University, after finishing fourth nationally in the U.S. Sports Academy Directors' Cup among NCAA Division II schools in 2006, and making appearances in Division II tournaments in men's basketball, volleyball, men's soccer, women's soccer, softball, baseball, men's and women's golf, and men's and women's indoor and outdoor track and field, is moving its quality intercollegiate athletics program forward to NCAA Division I status; and

WHEREAS, As stated by SIUE Chancellor Vaughn Vandegrift: "At SIUE, we owe our very existence to a social compact with the State of Illinois that we entered into 50 years ago. We add value to people's lives by providing access to higher education not just access to enrolling in a university, but access to a college degree and the improved quality of life that comes with it. I'm very proud of the fact that SIUE has conferred more than 90,000 degrees in its history to-date. Our alumni have helped to transform our region to one of the fastest growing areas in the State of Illinois"; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we proclaim September 24, 2007, as Southern Illinois University Edwardsville Day in the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Vaughn Vandegrift, Chancellor of Southern Illinois University in Edwardsville.

HOUSE RESOLUTION 189

Offered by Representative Tryon:

WHEREAS, Historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and

WHEREAS, Historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and

WHEREAS, It is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, "Look at Local History Month" is the theme for the celebration of Preservation Month throughout McHenry County, being held in conjunction with National Preservation Month; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we proclaim May of 2007 as "Look at Local History" Month in the State of Illinois, and call upon the citizens of the State of Illinois to join others across the State in recognizing and participating in this special observance.

HOUSE RESOLUTION 193

Offered by Representative Hamos:

WHEREAS, The United States of America was the victim of a massive and unprovoked terrorist attack on September 11, 2001; and

WHEREAS, The terrorist attack of September 11, 2001 was orchestrated by Osama bin Laden and the al Qaeda terrorist network; and

WHEREAS, Osama bin Laden and the al Qaeda terrorist network are also responsible for horrible acts of treachery and murder against American citizens in Yemen, Tanzania, and Kenya; and

WHEREAS, The oppressive Taliban regime of Afghanistan harbored Osama bin Laden and the leadership of the al Qaeda terrorist network, and the Taliban regime of Afghanistan refused to disavow and turn over to the United States government Osama bin Laden and the leadership of the al Qaeda terrorist network responsible for the September 11, 2001 attack; and

WHEREAS, With the strong support of the people of the United States, including the people of Illinois, the United States Armed Forces pursued Osama bin Laden and the al Qaeda terrorist network in Afghanistan and toppled the Taliban regime; and

WHEREAS, Through the dedicated efforts of the United States Armed Forces and as a direct result of the fall of the Taliban regime, a democratically elected government emerged in Afghanistan; and

WHEREAS, The President of the United States and members of the United States government, utilizing faulty and unreliable intelligence, redirected United States military resources from pursuing Osama bin Laden and the leaders of the al Qaeda terrorist network in Afghanistan to an invasion of the country of Iraq, though the government of Iraq had no responsibility for the terrorist attacks of September 11, 2001, and harbored neither Osama bin Laden nor the leadership of the al Qaeda terrorist network; and

WHEREAS, The United States Armed Forces are now engaged in a protracted occupation of the country of Iraq that began in 2003; and

WHEREAS, More than 137,000 American military personnel are serving in Iraq, and thousands more have served since March of 2003, with the bravery and professionalism consistent with the finest traditions of the United States Armed Forces; and

WHEREAS, Thousands of American military personnel serving in Iraq, including members of the Illinois National Guard, are past and present residents of the State of Illinois; and

WHEREAS, All United States military personnel deserve the support of the American people, and the people of Illinois; and

WHEREAS, The war and occupation of Iraq have resulted in the deaths of more than 3,000 United States military personnel, and the wounding and disabling of more than 22,000 United States military personnel, among them past and present residents of the State of Illinois; and

WHEREAS, On January 10, 2007, President George W. Bush announced the escalation of United States military involvement in Iraq by proposing the deployment of more than 21,000 additional United States military personnel, who are likely to include many past and present residents of the State of Illinois; and

WHEREAS, The proposed escalation could further extend the tours of duty of members of the Illinois National Guard; and

WHEREAS, The cost of deployment to Iraq of members of the Illinois National Guard has been significant, as reckoned in lost lives; combat injuries; disruption of family life; financial hardship for

individuals, families, and businesses; interruption of careers; and damage to the fabric of civic life in our communities; and

WHEREAS, An escalated, open-ended commitment of United States military forces in Iraq is unsustainable and serves as a deterrent to the government of Iraq exercising political and military leadership and providing Iraqi personnel and resources required to end sectarian violence; and

WHEREAS, The continued redirection of United States military resources away from the pursuit of Osama bin Laden and the leadership of the al Qaeda terrorist network in Afghanistan has led to a resurgence of Taliban forces, which could lead to the destabilization of the democratically elected government of Afghanistan; and

WHEREAS, United States military experts, including past and present members of the Joint Chiefs of Staff, have stated their opposition to an escalation of United States military personnel in Iraq; and

WHEREAS, More than $357 billion has been appropriated by the United States Congress to fund military and reconstruction efforts in Iraq to date, money that could be utilized for education, health care, housing, nutrition, and other domestic social services, along with international humanitarian aid; and

WHEREAS, Prior appropriations made by the United States Congress have prioritized operations in Iraq, resulting in cuts to critical financial assistance to states, including the State of Illinois, and have increased the gross debt and compounded interest of the United States, which leads to additional cuts in funding for critical needs in the states; and

WHEREAS, The United States Congress has broad authority and a long tradition of limiting military escalation by placing budgetary limitations on such escalation, utilizing power granted by the Constitution of the United States of America; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, That the State of Illinois, on behalf of its citizens, salutes and supports the dedicated service of the members of the United States Armed Forces, including members of the Illinois National Guard; and be it further

RESOLVED, That the American people, including the people of Illinois, with unbounded determination, support the efforts of the United States Armed Forces to pursue and defeat the terrorist forces responsible for the September 11, 2001 attack and make certain this form of treachery will never endanger the American people again; and be it further

RESOLVED, That the State of Illinois, on behalf of its citizens, urges that the United States government should not put more members of the United States Armed Forces in harm's way by escalating our involvement in Iraq through an increase in troop levels; and be it further

RESOLVED, That the President of the United States should obtain explicit approval from the United States Congress before the deployment of additional United States military personnel to Iraq; and be it further

RESOLVED, That the United States Congress should pass legislation prohibiting the President of the United States from spending additional taxpayer money to fund an escalation of troop levels in Iraq unless the President seeks and receives congressional approval; and be it further

RESOLVED, That suitable copies of this resolution shall be sent to President of the United States George W. Bush, each member of the Illinois congressional delegation, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, and the Minority Leader of the United States Senate.

HOUSE RESOLUTION 199

Offered by Representative Meyer:

WHEREAS, No oil refinery has been built in the United States in the past 30 years and U.S. consumers now rely upon imported supplies of refined petroleum products to a degree that is incompatible with national security; and

WHEREAS, In August 2005, Hurricane Katrina caused damage to several Gulf Coast refineries, illustrating the vulnerability of the nation's refining infrastructure and resulting in gasoline shortages and dramatic fluctuations in fuel prices; and

WHEREAS, The U.S. refining industry runs at nearly 100% capacity in order to keep up with demand; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that there is created the Illinois Oil Refining Task Force for

the purpose of studying the lack of sufficient gasoline and diesel-fuel refining capacity in Illinois; the Task Force shall consist of 12 members as follows: one member appointed by the Director of the Environmental Protection Agency; one member appointed by the Director of Commerce and Economic Opportunity; one member who represents the interests of the petroleum industry; one member who represents the interests of the State's petroleum marketers; 2 members appointed by the President of the Senate; 2 members appointed by the Minority Leader of the Senate; 2 members appointed by the Speaker of the House of Representatives; and 2 members appointed by the Minority Leader of the House of Representatives; and be it further

RESOLVED, That the members of the Task Force shall appoint one member to serve as chairperson; the initial meeting of the Task Force shall be within 30 days after the appointment of a majority of the members and all other meetings shall be at the call of the chairperson; the members of the Task Force shall receive no compensation for their services as members of the Task Force but may be reimbursed for reasonable expenses incurred as a result of their service from appropriations made by the General Assembly for that purpose; and be it further

RESOLVED, That the Department of Commerce and Economic Opportunity shall provide staff support to the Task Force, as necessary; and be it further

RESOLVED, That the Task Force shall report to the General Assembly its recommendations on ways to improve the condition of the State's refining capacity and shall file its report with the Clerk of the House and with the Secretary of the Senate no later than December 31, 2007; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Director of the Environmental Protection Agency, the Director of Commerce and Economic Opportunity, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

HOUSE RESOLUTION 200

Offered by Representative Reis:

WHEREAS, 4-H is the largest youth organization in the State of Illinois, challenging nearly 300,000 Illinois youth and adults with unique "hands on" learning each year; and

WHEREAS, 4-H is an effective educational program, based on the expertise of the United States Department of Agriculture and University of Illinois Extension, planned by local, county, and State committees; and

WHEREAS, More than 25,000 caring, nurturing adults work together with 4-H youth in family and community environments to create real life learning laboratories that help youth practice skills they need today and will continue to use in their future; and

WHEREAS, 4-H enriches Illinois youth with important programs that make countless differences in the lives of youth and adults and the communities in which they live; and

WHEREAS, 4-H is a family and community effort supplementing and complementing the home, church, and school with action-oriented and practical educational experiences; and

WHEREAS, This year, Illinois 4-H youth celebrate the national 4-H movement, an idea that was conceived by early Illinois educators and now annually reaches more than 8 million American youth and is found in 82 nations around the world; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we hereby designate Tuesday, March 27, 2007, as 4-H Day at the State Capitol, and we salute the rich traditions of Illinois 4-H club work and the outstanding accomplishments of Illinois 4-H members and leaders.

HOUSE JOINT RESOLUTION 38

Offered by Representative Jakobsson:

WHEREAS, Historic newspapers provide a record of the social, political, economic, and cultural history of the State and a window into local history and community life; and

WHEREAS, The historic newspapers of Illinois are part of the cultural and intellectual heritage of the citizens of Illinois and constitute the premier source for the study of Illinois history by students and

scholars from the primary to the post-graduate level; and

WHEREAS, The Abraham Lincoln Presidential Library (formerly the Illinois State Historical Library) has microfilmed Illinois newspapers since the 1970s and retains master negative film for all newspapers filmed; and

WHEREAS, Most of the original newspapers filmed by the Illinois State Historical Library and the Abraham Lincoln Presidential Library no longer exist in print format; and

WHEREAS, Newspapers microfilmed prior to the establishment of preservation microfilming standards in the 1980s are at risk of loss through deterioration; and

WHEREAS, Digitization of historic newspapers from microfilm revolutionizes access to this material, producing a digital replica of the original newsprint, fully searchable by keyword and browsable by date, available to anyone, anywhere with access to a computer; and

WHEREAS, Digitization provides a long-term preservation solution for newspapers through the application of digital preservation standards, including redundant backup and storage, refreshment, migration, emulation, and other digital asset management strategies; and

WHEREAS, The State of Illinois has received more than $5 million in federal funds since 1988 through the United States Newspaper Program (administered by the National Endowment for the Humanities) to inventory and preserve on microfilm our newspaper heritage; and

WHEREAS, The National Digital Newspaper Program builds on the investment of the United States Newspaper Program with the proposed digitization of newspapers from all fifty states for inclusion in the American Chronicle digital repository at the Library of Congress; and

WHEREAS, Digitization of historic newspapers is also supported by other major funding agencies such as the Institute for Museum and Library Services and the Illinois State Library; and

WHEREAS, The American library community is continuously developing and refining best practices for the digitization of newspapers from microfilm; and

WHEREAS, Digitization of newspapers from microfilm requires duplication of the master negative for use in scanning; and

WHEREAS, The Abraham Lincoln Presidential Library and its parent body, the Illinois Historic Preservation Agency, have shown reluctance to make negative film available for duplication so that other institutions might digitize the Illinois newspaper heritage; and

WHEREAS, The State of Illinois upholds the right of its citizens to have full access to information, as expressed in the "Guiding Principles for Illinois Libraries" of the Illinois State Library; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Abraham Lincoln Presidential Library be encouraged to share these cultural assets with the citizens of the State of Illinois by making the master negative microfilm of Illinois newspapers available for duplication for use in digitization projects by Illinois libraries and adhering to the best practices and responsible stewardship; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Executive Director of the Abraham Lincoln Presidential Library and the Board of Trustees of the Illinois Historical Preservation Agency.

At the hour of 2:40 o'clock p.m., the House Perfunctory Session adjourned.