

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-FIFTH GENERAL ASSEMBLY

239TH LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

THURSDAY, MARCH 13, 2008

2:13 O'CLOCK P.M.

**HOUSE OF REPRESENTATIVES
Daily Journal Index
239th Legislative Day**

Action	Page(s)
Adjournment	153
Agreed Resolutions	36
Balanced Budget Notes Request Withdrawn.....	36
Change of Sponsorship.....	36
Fiscal Note Supplied	36
Fiscal Notes Requested	36
Home Rule Note Requested	36
Introduction and First Reading – HB 6305-6315	161
Legislative Measures Approved for Floor Consideration.....	13
Legislative Measures Assigned to Committee	13
Letter of Transmittal.....	9
Messages From The Senate.....	36
Perfunctory Adjournment.....	161
Perfunctory Session.....	161
Quorum Roll Call.....	9
Reports From Standing Committees	13
State Mandates Fiscal Note Requested.....	36
Temporary Committee Assignments.....	9

Bill Number	Legislative Action	Page(s)
HB 0562	Committee Report	28
HB 0628	Committee Report.....	22
HB 0796	Recall	150
HB 0796	Second Reading.....	38
HB 0838	Second Reading – Amendment/s	38
HB 0842	Second Reading – Amendment/s	42
HB 0953	Second Reading.....	43
HB 1054	Second Reading – Amendment/s	43
HB 1223	Second Reading – Amendment/s	43
HB 1432	Second Reading.....	44
HB 1479	Committee Report – Floor Amendment/s	18
HB 1479	Second Reading – Amendment/s	45
HB 1612	Second Reading.....	45
HB 1809	Second Reading – Amendment/s	45
HB 1867	Committee Report.....	30
HB 2088	Committee Report – Floor Amendment/s	20
HB 2210	Second Reading.....	48
HB 2211	Second Reading.....	48
HB 2361	Recall	48
HB 3286	Second Reading.....	48
HB 4119	Second Reading – amendments.....	48
HB 4128	Committee Report.....	27
HB 4131	Second Reading – Amendment/s	48
HB 4137	Committee Report	13
HB 4145	Committee Report	26
HB 4158	Second Reading.....	49
HB 4159	Second Reading – Amendment/s	49
HB 4164	Committee Report	26
HB 4165	Second Reading – Amendment/s	54
HB 4172	Second Reading – Amendment/s	54

HB 4176	Second Reading.....	56
HB 4178	Second Reading.....	56
HB 4179	Second Reading – Amendment/s	56
HB 4192	Second Reading.....	57
HB 4195	Committee Report.....	13
HB 4196	Committee Report.....	19
HB 4202	Committee Report.....	24
HB 4203	Second Reading – Amendment/s	57
HB 4209	Second Reading.....	58
HB 4220	Second Reading – amendment	58
HB 4221	Second Reading – Amendment/s	59
HB 4225	Second Reading – Amendment/s	59
HB 4229	Second Reading.....	60
HB 4232	Second Reading – Amendment/s	60
HB 4251	Second Reading – Amendment/s	70
HB 4262	Second Reading – Amendment/s	70
HB 4278	Second Reading – Amendment/s	71
HB 4289	Second Reading.....	71
HB 4291	Committee Report.....	15
HB 4297	Second Reading – Amendment/s	71
HB 4303	Second Reading – Amendment/s	71
HB 4319	Second Reading.....	74
HB 4320	Second Reading – Amendment/s	74
HB 4326	Committee Report.....	32
HB 4367	Second Reading – Amendment/s	74
HB 4369	Committee Report.....	24
HB 4374	Second Reading.....	75
HB 4385	Committee Report.....	26
HB 4391	Second Reading – amendments.....	75
HB 4401	Committee Report.....	15
HB 4402	Second Reading – Amendment/s	78
HB 4417	Committee Report.....	26
HB 4425	Committee Report.....	30
HB 4426	Committee Report.....	20
HB 4437	Second Reading – Amendment/s	78
HB 4441	Second Reading.....	79
HB 4442	Second Reading – Amendment/s	80
HB 4443	Second Reading.....	80
HB 4451	Committee Report.....	30
HB 4456	Second Reading – Amendment/s	80
HB 4464	Second Reading.....	82
HB 4465	Committee Report.....	17
HB 4466	Second Reading – Amendment/s	82
HB 4471	Second Reading – Amendment/s	83
HB 4477	Second Reading.....	84
HB 4505	Committee Report.....	30
HB 4506	Committee Report.....	32
HB 4518	Committee Report – Floor Amendment/s	26
HB 4518	Second Reading – amendment	93
HB 4527	Second Reading – Amendment/s	84
HB 4537	Second Reading – Amendment/s	84
HB 4549	Second Reading – Amendment/s	88
HB 4550	Committee Report.....	24
HB 4553	Committee Report.....	24
HB 4556	Committee Report.....	32
HB 4567	Committee Report.....	23
HB 4571	Committee Report.....	31

HB 4573	Second Reading – amendment	89
HB 4578	Committee Report	32
HB 4582	Committee Report	13
HB 4583	Second Reading.....	90
HB 4602	Second Reading – Amendment/s	90
HB 4605	Second Reading – amendment	90
HB 4611	Committee Report	20
HB 4612	Committee Report	24
HB 4618	Committee Report	26
HB 4622	Committee Report	20
HB 4623	Committee Report	31
HB 4629	Committee Report	32
HB 4642	Second Reading – Amendment/s	91
HB 4644	Second Reading.....	92
HB 4645	Second Reading – Amendment/s	92
HB 4646	Second Reading – amendment	92
HB 4660	Committee Report	15
HB 4668	Committee Report	20
HB 4673	Committee Report	18
HB 4674	Second Reading.....	93
HB 4675	Second Reading.....	93
HB 4678	Second Reading.....	93
HB 4686	Committee Report	26
HB 4687	Committee Report	26
HB 4692	Second Reading – Amendment/s	93
HB 4693	Second Reading.....	93
HB 4696	Committee Report	32
HB 4699	Second Reading – Amendment/s	94
HB 4700	Second Reading.....	96
HB 4705	Second Reading – Amendment/s	96
HB 4710	Second Reading – Amendment/s	97
HB 4714	Committee Report	15
HB 4716	Second Reading.....	98
HB 4725	Committee Report	26
HB 4726	Second Reading – Amendment/s	98
HB 4728	Committee Report	32
HB 4731	Committee Report	28
HB 4732	Committee Report	30
HB 4737	Committee Report	18
HB 4742	Committee Report	15
HB 4745	Second Reading – Amendment/s	98
HB 4747	Second Reading – Amendment/s	99
HB 4754	Committee Report	31
HB 4758	Committee Report	27
HB 4765	Second Reading – Amendment/s	99
HB 4766	Committee Report	26
HB 4767	Second Reading.....	100
HB 4768	Second Reading.....	100
HB 4769	Second Reading – Amendment/s	100
HB 4779	Second Reading – Amendment/s	102
HB 4788	Committee Report	30
HB 4789	Committee Report	20
HB 4791	Second Reading – Amendment/s	103
HB 4793	Committee Report	30
HB 4807	Second Reading.....	103
HB 4808	Committee Report	23
HB 4811	Committee Report	24

HB 4812	Second Reading – Amendment/s	103
HB 4813	Committee Report	29
HB 4814	Committee Report	29
HB 4822	Second Reading – Amendment/s	103
HB 4841	Committee Report	32
HB 4844	Committee Report	32
HB 4854	Committee Report	26
HB 4861	Recall	151
HB 4861	Second Reading.....	104
HB 4862	Committee Report	15
HB 4863	Committee Report	18
HB 4866	Second Reading.....	104
HB 4868	Committee Report	29
HB 4874	Committee Report	32
HB 4875	Committee Report	32
HB 4879	Committee Report	32
HB 4881	Second Reading – Amendment/s	104
HB 4890	Second Reading – Amendment/s	104
HB 4903	Committee Report	23
HB 4920	Second Reading – Amendment/s	105
HB 4921	Committee Report	21
HB 4922	Committee Report	17
HB 4930	Committee Report	26
HB 4931	Committee Report	26
HB 4935	Committee Report	26
HB 4940	Second Reading – Amendment/s	105
HB 4943	Second Reading – Amendment/s	106
HB 4956	Second Reading.....	106
HB 4964	Second Reading – Amendment/s	106
HB 4968	Committee Report	15
HB 4988	Committee Report	32
HB 4992	Second Reading.....	107
HB 4999	Second Reading.....	107
HB 5000	Second Reading – Amendment/s	107
HB 5006	Committee Report	26
HB 5013	Second Reading.....	113
HB 5019	Committee Report	15
HB 5022	Second Reading.....	109
HB 5038	Second Reading – Amendment/s	109
HB 5059	Committee Report	15
HB 5061	Committee Report	18
HB 5069	Committee Report	30
HB 5074	Second Reading.....	109
HB 5075	Committee Report	29
HB 5076	Second Reading.....	109
HB 5077	Second Reading – Amendment/s	109
HB 5082	Second Reading.....	110
HB 5092	Committee Report	15
HB 5093	Committee Report	32
HB 5095	Second Reading.....	114
HB 5101	Committee Report	32
HB 5102	Second Reading – Amendment/s	110
HB 5108	Second Reading – Amendment/s	111
HB 5109	Second Reading – Amendment/s	112
HB 5113	Committee Report	24
HB 5115	Second Reading – Amendment/s	112
HB 5120	Committee Report	28

HB 5125	Committee Report	17
HB 5128	Committee Report	28
HB 5141	Committee Report	16
HB 5142	Committee Report	28
HB 5148	Committee Report	32
HB 5150	Second Reading – Amendment/s	113
HB 5151	Second Reading.....	113
HB 5152	Committee Report	24
HB 5156	Committee Report	28
HB 5158	Committee Report	28
HB 5159	Committee Report	31
HB 5164	Committee Report	23
HB 5186	Committee Report	26
HB 5188	Second Reading – Amendment/s	152
HB 5191	Committee Report	13
HB 5192	Committee Report	35
HB 5193	Second Reading – Amendment/s	114
HB 5195	Committee Report	26
HB 5196	Second Reading.....	117
HB 5200	Committee Report	15
HB 5204	Committee Report	24
HB 5209	Committee Report	19
HB 5212	Second Reading – Amendment/s	117
HB 5213	Committee Report	15
HB 5227	Committee Report	13
HB 5231	Committee Report	15
HB 5239	Committee Report	32
HB 5242	Second Reading – Amendment/s	118
HB 5243	Committee Report	24
HB 5251	Second Reading – Amendment/s	119
HB 5256	Second Reading – Amendment/s	122
HB 5278	Recall	153
HB 5278	Second Reading.....	122
HB 5297	Second Reading – Amendment/s	122
HB 5306	Second Reading.....	125
HB 5307	Committee Report	13
HB 5310	Second Reading – Amendment/s	125
HB 5312	Committee Report	24
HB 5314	Second Reading – Amendment/s	125
HB 5321	Committee Report	29
HB 5323	Committee Report	16
HB 5325	Second Reading – Amendment/s	126
HB 5326	Second Reading – Amendment/s	127
HB 5331	Committee Report	15
HB 5343	Committee Report	23
HB 5348	Second Reading – Amendment/s	127
HB 5356	Committee Report	22
HB 5359	Second Reading – Amendment/s	128
HB 5367	Second Reading – Amendment/s	129
HB 5368	Second Reading – Amendment/s	129
HB 5369	Second Reading – Amendment/s	129
HB 5378	Committee Report	13
HB 5469	Committee Report	32
HB 5492	Committee Report	15
HB 5494	Second Reading – Amendment/s	130
HB 5496	Committee Report	23
HB 5501	Committee Report	18

HB 5505	Second Reading – amendment	133
HB 5513	Second Reading.....	133
HB 5516	Committee Report	32
HB 5521	Second Reading.....	133
HB 5524	Committee Report	32
HB 5525	Committee Report	32
HB 5534	Second Reading – Amendment/s	133
HB 5536	Second Reading.....	151
HB 5572	Second Reading.....	134
HB 5574	Committee Report	22
HB 5578	Second Reading – Amendment/s	134
HB 5580	Committee Report	15
HB 5584	Committee Report	13
HB 5585	Second Reading.....	134
HB 5586	Committee Report	24
HB 5592	Committee Report	32
HB 5595	Second Reading – Amendment/s	134
HB 5596	Second Reading.....	134
HB 5597	Committee Report	24
HB 5599	Second Reading – Amendment/s	134
HB 5603	Second Reading.....	136
HB 5607	Second Reading.....	136
HB 5613	Committee Report	15
HB 5614	Second Reading – Amendment/s	136
HB 5618	Second Reading.....	137
HB 5621	Second Reading – Amendment/s	137
HB 5647	Second Reading – Amendment/s	137
HB 5648	Second Reading – Amendment/s	138
HB 5650	Second Reading – Amendment/s	141
HB 5653	Committee Report	32
HB 5655	Second Reading.....	142
HB 5661	Committee Report	16
HB 5666	Second Reading.....	142
HB 5668	Second Reading – Amendment/s	142
HB 5687	Committee Report	32
HB 5690	Committee Report	18
HB 5691	Second Reading – Amendment/s	142
HB 5692	Committee Report	28
HB 5699	Second Reading.....	143
HB 5703	Committee Report	29
HB 5707	Committee Report	32
HB 5717	Second Reading.....	143
HB 5728	Committee Report	20
HB 5729	Committee Report	15
HB 5732	Second Reading.....	143
HB 5752	Committee Report	32
HB 5755	Committee Report	24
HB 5760	Committee Report	28
HB 5764	Second Reading.....	143
HB 5765	Committee Report	15
HB 5768	Second Reading.....	143
HB 5771	Committee Report	15
HB 5773	Second Reading – Amendment/s	143
HB 5776	Second Reading – Amendment/s	145
HB 5784	Committee Report	18
HB 5788	Committee Report	20
HB 5790	Committee Report	15

HB 5860	Second Reading – Amendment/s	146
HB 5865	Second Reading – Amendment/s	147
HB 5866	Committee Report	15
HB 5868	Second Reading – Amendment/s	148
HB 5882	Committee Report	23
HB 5891	Committee Report	24
HB 5898	Second Reading.....	149
HB 5901	Second Reading.....	149
HB 5904	Committee Report	29
HB 5905	Committee Report	23
HB 5908	Committee Report	32
HB 5909	Committee Report	32
HB 5928	Committee Report	13
HB 5930	Second Reading.....	149
HB 5942	Second Reading.....	149
HB 5946	Committee Report	24
HB 5950	Second Reading – Amendment/s	149
HB 5953	Second Reading.....	149
HB 5956	Second Reading.....	149
HB 5961	Committee Report	30
HB 5969	Second Reading – Amendment/s	149
HB 5970	Second Reading.....	150
HB 5978	Second Reading – Amendment/s	150
HB 5981	Second Reading.....	150
HB 5983	Second Reading.....	150
HB 6302	Committee Report	30
HJR 0100	Committee Report	23
HR 0628	Committee Report	32
HR 0952	Committee Report	24
HR 0962	Committee Report	24
HR 0970	Committee Report	13
HR 0970	Adoption	151
HR 1078	Adoption	151
HR 1082	Resolution	37
HR 1082	Adoption	151
HR 1084	Resolution	37
HR 1084	Adoption	151
HR 1085	Resolution	37
HR 1085	Adoption	151
HR 1086	Resolution	37
HR 1086	Adoption	151
HR 1087	Resolution	37
HR 1087	Adoption	151
HR 1088	Resolution	37
HR 1088	Adoption	151
HR 1089	Resolution	37
HR 1089	Adoption	151

The House met pursuant to adjournment.
Representative Hannig in the chair.
Prayer by Wayne Padget, the Assistant Doorkeeper.
Representative McCarthy 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:
108 present. (ROLL CALL 1)

By unanimous consent, Representatives Richard Bradley, Ford, Golar, Jefferies, Kosel, Schock, Scully, Washington and Watson were excused from attendance.

LETTER OF TRANSMITTAL

March 13, 2008

Mark Mahoney
Chief Clerk of the House
402 State House
Springfield, IL 62706

Dear Clerk Mahoney:

Please be advised that I am extending the Committee Deadline to April 18, 2008 for House Bill:

House Bill: 3642.

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

With kindest personal regards, I remain.

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

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Brauer replaced Representative Coulson in the Committee on Human Services on March 12, 2008.

Representative Flowers replaced Representative Phelps in the Committee on Registration and Regulation on March 12, 2008.

Representative Berrios replaced Representative Mendoza in the Committee on Registration and Regulation on March 12, 2008.

Representative Scully replaced Representative Phelps in the Committee on Registration and Regulation on March 12, 2008.

Representative Scully replaced Representative Richard Bradley in the Committee on Registration and Regulation on March 12, 2008.

Representative Osterman replaced Representative Washington in the Committee on Housing & Urban Development on March 12, 2008.

Representative Harris replaced Representative Younge in the Committee on Housing & Urban Development on March 12, 2008.

Representative William Davis replaced Representative Phelps in the Committee on Environment & Energy on March 12, 2008.

Representative Monique Davis replaced Representative Richard Bradley in the Committee on Environment & Energy on March 12, 2008.

Representative McGuire replaced Representative Smith in the Committee on Environment & Energy on March 12, 2008.

Representative Harris replaced Representative Howard in the Committee on Human Services on March 12, 2008.

Representative Brauer replaced Representative Coulson in the Committee on Human Services on March 12, 2008.

Representative Boland replaced Representative Ryg in the Committee on Local Government on March 12, 2008.

Representative Harris replaced Representative Ford in the Committee on Local Government on March 12, 2008.

Representative Golar replaced Representative Froehlich in the Committee on State Government Administration on March 12, 2008.

Representative Ford replaced Representative Dugan in the Committee on State Government Administration on March 12, 2008.

Representative Golar replaced Representative John Bradley in the Committee on State Government Administration on March 12, 2008.

Representative Brady replaced Representative Watson in the Committee on State Government Administration on March 12, 2008.

Representative Hamos replaced Representative Monique Davis in the Committee on Juvenile Justice Reform on March 12, 2008.

Representative Poe replaced Representative Watson in the Committee on Gaming on March 12, 2008.

Representative Jefferies replaced Representative Richard Bradley in the Committee on Gaming on March 12, 2008.

Representative Black replaced Representative Schock in the Committee on Gaming on March 12, 2008.

Representative Froehlich replaced Representative Yarbrough in the Committee on Tollway Oversight on March 12, 2008.

Representative Biggins replaced Representative Kosel in the Committee on International Trade & Commerce on March 12, 2008.

Representative Acevedo replaced Representative Franks in the Committee on International Trade & Commerce on March 12, 2008.

Representative Mendoza replaced Representative Washington in the Committee on Labor on March 12, 2008.

Representative Fritchey replaced Representative Boland in the Committee on Labor on March 12, 2008.

Representative Phelps replaced Representative Howard in the Committee on Labor on March 12, 2008.

Representative Nekritz replaced Representative Boland in the Committee on Labor on March 12, 2008.

Representative Dugan replaced Representative Soto in the Committee on Labor on March 12, 2008.

Representative Verschoore replaced Representative Hoffman in the Committee on Labor on March 12, 2008.

Representative Arroyo replaced Representative Richard Bradley in the Committee on Executive on March 12, 2008.

Representative Eddy replaced Representative Saviano in the Committee on Executive on March 12, 2008.

Representative Mautino replaced Representative Collins in the Committee on Appropriations-General Services on March 12, 2008.

Representative Dugan replaced Representative Washington in the Committee on Appropriations-Public Safety on March 12, 2008.

Representative Yarbrough replaced Representative D'Amico in the Committee on Higher Education on March 12, 2008.

Representative Hamos replaced Representative Feigenholtz in the Committee on Juvenile Justice Reform on March 13, 2008.

Representative William Davis replaced Representative Granberg in the Committee on Telecommunications on March 13, 2008.

Representative Berrios replaced Representative Boland in the Committee on Telecommunications on March 13, 2008.

Representative D'Amico replaced Representative Richard Bradley in the Committee on Telecommunications on March 13, 2008.

Representative Ford replaced Representative Dunkin in the Committee on Telecommunications on March 13, 2008.

Representative Yarbrough replaced Representative Holbrook in the Committee on Telecommunications on March 13, 2008.

Representative Eddy replaced Representative Watson in the Committee on Telecommunications on March 13, 2008.

Representative Harris replaced Representative Patterson in the Committee on Appropriations-Human Services on March 13, 2008.

Representative McGuire replaced Representative Washington in the Committee on Appropriations-Human Services on March 13, 2008.

Representative Jakobsson replaced Representative Franks in the Committee on Aging on March 13, 2008.

Representative Monique Davis replaced Representative Jefferson in the Committee on Aging on March 13, 2008.

Representative Osmond replaced Representative Saviano in the Committee on Health & Healthcare Disparities on March 13, 2008.

Representative Harris replaced Representative Miller in the Committee on Health & Healthcare Disparities on March 13, 2008.

Representative Stephens replaced Representative Watson in the Committee on Veterans Affairs on March 13, 2008.

Representative Eddy replaced Representative Schock in the Committee on Veterans Affairs on March 13, 2008.

Representative Collins replaced Representative Phelps in the Committee on Veterans Affairs on March 13, 2008.

Representative Smith replaced Representative Mendoza in the Committee on Renewable Energy on March 13, 2008.

Representative Krause replaced Representative Mathias in the Committee on Adoption Reform on March 13, 2008.

Representative Harris replaced Representative Ford in the Committee on Adoption Reform on March 13, 2008.

Representative Burke replaced Representative Collins in the Committee on Adoption Reform on March 13, 2008.

Representative Ford replaced Representative Collins in the Committee on Judiciary II - Criminal Law on March 13, 2008.

Representative Burke replaced Representative Collins in the Committee on Adoption Reform on March 13, 2008.

Representative Harris replaced Representative Ford in the Committee on Adoption Reform on March 13, 2008.

Representative Hamos replaced Representative Colvin in the Committee on Personnel and Pensions on March 13, 2008.

Representative Harris replaced Representative Richard Bradley in the Committee on Personnel and Pensions on March 13, 2008.

Representative Verschoore replaced Representative Smith in the Committee on Homeland Security & Emergency Preparedness on March 13, 2008.

Representative Soto replaced Representative Washington in the Committee on Homeland Security & Emergency Preparedness on March 13, 2008.

Representative Ramey replaced Representative Lindner in the Committee on Homeland Security & Emergency Preparedness on March 13, 2008.

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, 2008, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 970.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Elementary & Secondary Education: HOUSE BILL 3642.
Human Services: HOUSE AMENDMENT No. 1 to HOUSE BILL 3286.
Local Government: HOUSE AMENDMENT No. 1 to HOUSE BILL 2518.

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

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

REPORTS FROM STANDING COMMITTEES

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4137, 4582, 5227, 5584 and 5928.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4160, 4195, 5191, 5307 and 5378.

The committee roll call vote on House Bills 4137 and 4195 is as follows:
12, Yeas; 0, Nays; 0, Answering Present.

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
Y Brady(R), Republican Spokesperson	Y Acevedo(D)
Y Berrios(D)	Y Biggins(R)
Y Arroyo(D)(replacing Bradley, R)	Y Hassert(R)
Y Meyer(R)	Y Molaro(D)
Y Rita(D)	Y Eddy(R)(replacing Saviano)
A Turner(D)	

The committee roll call vote on House Bills 4160, 5307 and 5584 is as follows:
13, Yeas; 0, Nays; 0, Answering Present.

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
Y Brady(R), Republican Spokesperson	Y Acevedo(D)
Y Berrios(D)	Y Biggins(R)
Y Arroyo(D)(replacing Bradley, R)	Y Hassert(R)
Y Meyer(R)	Y Molaro(D)
Y Rita(D)	Y Eddy(R)(replacing Saviano)

Y Turner(D)

The committee roll call vote on House Bill 4582 is as follows:
9, Yeas; 2, Nays; 0, Answering Present.

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
N Brady(R), Republican Spokesperson	A Acevedo(D)
Y Berrios(D)	Y Biggins(R)
Y Arroyo(D)(replacing Bradley, R)	Y Hassert(R)
A Meyer(R)	Y Molaro(D)
Y Rita(D)	N Eddy(R)(replacing Saviano)
Y Turner(D)	

The committee roll call vote on House Bill 5191 is as follows:
8, Yeas; 5, Nays; 0, Answering Present.

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
N Brady(R), Republican Spokesperson	Y Acevedo(D)
Y Berrios(D)	N Biggins(R)
Y Arroyo(D)(replacing Bradley, R)	N Hassert(R)
N Meyer(R)	Y Molaro(D)
Y Rita(D)	N Eddy(R)(replacing Saviano)
Y Turner(D)	

The committee roll call vote on House Bill 5227 is as follows:
8, Yeas; 4, Nays; 0, Answering Present.

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
N Brady(R), Republican Spokesperson	Y Acevedo(D)
Y Berrios(D)	N Biggins(R)
Y Arroyo(D)(replacing Bradley, R)	N Hassert(R)
N Meyer(R)	Y Molaro(D)
Y Rita(D)	A Eddy(R)(replacing Saviano)
Y Turner(D)	

The committee roll call vote on House Bill 5378 is as follows:
10, Yeas; 3, Nays; 0, Answering Present.

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
N Brady(R), Republican Spokesperson	Y Acevedo(D)
Y Berrios(D)	N Biggins(R)
Y Arroyo(D)(replacing Bradley, R)	Y Hassert(R)
Y Meyer(R)	Y Molaro(D)
Y Rita(D)	N Eddy(R)(replacing Saviano)
Y Turner(D)	

The committee roll call vote on House Bill 5928 is as follows:
9, Yeas; 0, Nays; 0, Answering Present.

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
A Brady(R), Republican Spokesperson	A Acevedo(D)
Y Berrios(D)	Y Biggins(R)
Y Arroyo(D)(replacing Bradley, R)	Y Hassert(R)
A Meyer(R)	Y Molaro(D)
Y Rita(D)	Y Eddy(R)(replacing Saviano)
A Turner(D)	

Representative Fritchey, Chairperson, from the Committee on Judiciary I - Civil Law to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5771.

The committee roll call vote on House Bill 5771 is as follows:

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

Y Fritchey(D), Chairperson	Y Bradley, John(D), Vice-Chairperson
Y Rose(R), Republican Spokesperson	Y Brosnahan(D)
Y Coladipietro(R)	Y Dunn(R)
Y Gordon(D)	Y Hamos(D)
Y Hoffman(D)	Y Lang(D)
Y Mathias(R)	Y Nekritz(D)
Y Osmond(R)	Y Wait(R)

Representative Jakobsson, Chairperson, from the Committee on Human Services to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4291, 4660 and 4968.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4401, 4714, 4862, 5019, 5059, 5092, 5200, 5231, 5331, 5492, 5580, 5613, 5729, 5765, 5790 and 5866.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Standard Debate: HOUSE BILLS 4742 and 5213.

The committee roll call vote on House Bills 4401 and 4660 is as follows:

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

Y Jakobsson(D), Chairperson	Y Howard(D), Vice-Chairperson
Y Bellock(R), Republican Spokesperson	Y Cole(R)
Y Collins(D)	Y Brauer(R)(replacing Coulson)
Y Flowers(D)	Y Riley(D)
Y Schmitz(R)	

The committee roll call vote on House Bills 4291, 4714, 4862, 4968, 5019, 5059, 5092, 5231, 5492, 5580, 5613, 5729 and 5866 is as follows:

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

Y Jakobsson(D), Chairperson	Y Howard(D), Vice-Chairperson
Y Bellock(R), Republican Spokesperson	Y Cole(R)
Y Collins(D)	Y Coulson(R)
Y Flowers(D)	Y Riley(D)
Y Schmitz(R)	

The committee roll call vote on House Bill 4742 is as follows:

5, Yeas; 4, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson	Y Howard(D), Vice-Chairperson
N Bellock(R), Republican Spokesperson	N Cole(R)
Y Collins(D)	N Coulson(R)
Y Flowers(D)	Y Riley(D)
N Schmitz(R)	

The committee roll call vote on House Bill 5200 is as follows:

5, Yeas; 4, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson	Y Howard(D), Vice-Chairperson
N Bellock(R), Republican Spokesperson	N Cole(R)
N Collins(D)	Y Coulson(R)
Y Flowers(D)	Y Riley(D)
N Schmitz(R)	

The committee roll call vote on House Bill 5213 is as follows:
5, Yeas; 3, Nays; 1, Answering Present.

Y Jakobsson(D), Chairperson	Y Howard(D), Vice-Chairperson
N Bellock(R), Republican Spokesperson	N Cole(R)
Y Collins(D)	P Coulson(R)
Y Flowers(D)	Y Riley(D)
N Schmitz(R)	

The committee roll call vote on House Bill 5331 is as follows:
8, Yeas; 0, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson	Y Harris(D), Vice-Chairperson(replacing Howard)
Y Bellock(R), Republican Spokesperson	Y Cole(R)
A Collins(D)	Y Coulson(R)
Y Flowers(D)	Y Riley(D)
Y Schmitz(R)	

The committee roll call vote on House Bill 5765 is as follows:
5, Yeas; 0, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson	A Howard(D), Vice-Chairperson
Y Bellock(R), Republican Spokesperson	Y Cole(R)
A Collins(D)	Y Brauer(R)(replacing Coulson)
A Flowers(D)	A Riley(D)
Y Schmitz(R)	

The committee roll call vote on House Bill 5790 is as follows:
7, Yeas; 1, Nay; 0, Answering Present.

Y Jakobsson(D), Chairperson	Y Howard(D), Vice-Chairperson
N Bellock(R), Republican Spokesperson	Y Cole(R)
Y Collins(D)	Y Coulson(R)
Y Flowers(D)	Y Riley(D)
A Schmitz(R)	

Representative Osterman, Chairperson, from the Committee on Labor to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 5141 and 5323.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5661.

The committee roll call vote on House Bill 5141 is as follows:
13, Yeas; 7, Nays; 0, Answering Present.

Y Osterman(D), Chairperson	Y Soto(D), Vice-Chairperson
N Winters(R), Republican Spokesperson	Y Arroyo(D)
N Beaubien(R)	A Bellock(R)

Y Fritchey(D)(replacing Boland)	Y Colvin(D)
N Cultra(R)	Y D'Amico(D)
N Eddy(R)	Y Davis, William(D)
Y Graham(D)	A Hassert(R)
Y Hernandez(D)	Y Hoffman(D)
Y Phelps(D)(replacing Howard)	Y Jefferson(D)
N Lindner(R)	N Reis(R)
A Sacia(R)	N Schmitz(R)
Y Mendoza(D)(replacing Washington)	

The committee roll call vote on House Bill 5323 is as follows:

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

N Osterman(D), Chairperson	Y Soto(D), Vice-Chairperson
Y Winters(R), Republican Spokesperson	Y Arroyo(D)
Y Beaubien(R)	Y Bellock(R)
Y Nekritz(D)(replacing Boland)	Y Colvin(D)
N Cultra(R)	Y D'Amico(D)
Y Eddy(R)	Y Davis, William(D)
Y Graham(D)	A Hassert(R)
Y Hernandez(D)	A Hoffman(D)
A Phelps(D)(replacing Howard)	Y Jefferson(D)
Y Lindner(R)	Y Reis(R)
A Sacia(R)	Y Schmitz(R)
Y Mendoza(D)(replacing Washington)	

The committee roll call vote on House Bill 5661 is as follows:

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

Y Osterman(D), Chairperson	Y Dugan(D), Vice-Chairperson(replacing Soto)
Y Winters(R), Republican Spokesperson	Y Arroyo(D)
Y Beaubien(R)	Y Bellock(R)
Y Nekritz(D)(replacing Boland)	Y Colvin(D)
N Cultra(R)	Y D'Amico(D)
Y Eddy(R)	Y Davis, William(D)
Y Graham(D)	A Hassert(R)
Y Hernandez(D)	Y Verschoore(D)(replacing Hoffman)
Y Phelps(D)(replacing Howard)	Y Jefferson(D)
Y Lindner(R)	Y Reis(R)
A Sacia(R)	N Schmitz(R)
Y Mendoza(D)(replacing Washington)	

Representative Mendoza, Chairperson, from the Committee on International Trade & Commerce to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4465, 4922 and 5125.

The committee roll call vote on House Bills 4465, 4922 and 5125 is as follows:

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

Y Mendoza(D), Chairperson	Y Acevedo(D) (replacing Franks)
Y Sommer(R), Republican Spokesperson	A Arroyo(D)
Y Berrios(D)	A Coladipietro(R)
Y Davis, William(D)	Y Biggins(R) (replacing Kosel)
A Munson(R)	

Representative Rita, Chairperson, from the Committee on Tollway Oversight to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 4737.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 5690 and 5784.

The committee roll call vote on House Bill 4737 is as follows:

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

Y Rita(D), Chairperson	Y Molaro(D), Vice-Chairperson
Y Dunn(R), Republican Spokesperson	Y Biggins(R)
Y Jefferson(D)	Y McCarthy(D)
Y Munson(R)	Y Reboletti(R)
Y Froehlich(D)(replacing Yarbrough)	

The committee roll call vote on House Bill 5690 is as follows:

7, Yeas; 1, Nay; 0, Answering Present.

Y Rita(D), Chairperson	Y Molaro(D), Vice-Chairperson
Y Dunn(R), Republican Spokesperson	N Biggins(R)
Y Jefferson(D)	Y McCarthy(D)
A Munson(R)	Y Reboletti(R)
Y Froehlich(D)(replacing Yarbrough)	

The committee roll call vote on House Bill 5784 is as follows:

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

Y Rita(D), Chairperson	Y Molaro(D), Vice-Chairperson
Y Dunn(R), Republican Spokesperson	Y Biggins(R)
Y Jefferson(D)	Y McCarthy(D)
A Munson(R)	Y Reboletti(R)
Y Yarbrough(D)	

Representative Saviano, Chairperson, from the Committee on Registration and Regulation to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5061.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4673, 4863 and 5501.

That the Floor Amendment be reported “recommends be adopted”:
Amendment No. 2 to HOUSE BILL 1479.

The committee roll call vote on House Bills 4673, 4863 is as follows:

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

Y Saviano(R), Chairperson	Y Fritchey(D), Vice-Chairperson
A Coulson(R), Republican Spokesperson	Y Acevedo(D)
Y Beiser(D)	Y Bost(R)
A Bradley, Richard(D)	Y Brauer(R)
A Burke(D)	Y Coladipietro(R)
Y Holbrook(D)	A Jefferies(D)
A Joyce(D)	A Kosel(R)
Y McAuliffe(R)	A Mendoza(D)
A Meyer(R)	Y Miller(D)

A Mulligan(R)	Y Scully(D)(replacing Phelps)
Y Pihos(R)	Y Reitz(D)
Y Sullivan(R)	

The committee roll call vote on House Bill 5061 is as follows:
16, Yeas; 0, Nays; 0, Answering Present.

Y Saviano(R), Chairperson	Y Fritchey(D), Vice-Chairperson
A Coulson(R), Republican Spokesperson	Y Acevedo(D)
Y Beiser(D)	Y Bost(R)
A Bradley, Richard(D)	Y Brauer(R)
A Burke(D)	Y Coladipietro(R)
Y Holbrook(D)	Y Jefferies(D)
A Joyce(D)	A Kosel(R)
Y McAuliffe(R)	A Mendoza(D)
Y Meyer(R)	Y Miller(D)
A Mulligan(R)	Y Scully(D)(replacing Phelps)
Y Pihos(R)	Y Reitz(D)
Y Sullivan(R)	

The committee roll call vote on Amendment No. 2 to House Bills 1479 and 5501 is as follows:
19, Yeas; 0, Nays; 0, Answering Present.

Y Saviano(R), Chairperson	Y Fritchey(D), Vice-Chairperson
A Coulson(R), Republican Spokesperson	Y Acevedo(D)
Y Beiser(D)	Y Bost(R)
Y Scully(D)(replacing Bradley, R)	Y Brauer(R)
Y Burke(D)	Y Coladipietro(R)
Y Holbrook(D)	A Jefferies(D)
Y Joyce(D)	A Kosel(R)
Y McAuliffe(R)	Y Berrios(D)(replacing Mendoza)
Y Meyer(R)	Y Miller(D)
A Mulligan(R)	Y Flowers(D)(replacing Phelps)
Y Pihos(R)	Y Reitz(D)
Y Sullivan(R)	

Representative Hannig, Chairperson, from the Committee on Appropriations-General Services to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5209.

The committee roll call vote on House Bill 5209 is as follows:
4, Yeas; 1, Nay; 0, Answering Present.

Y Davis, Monique(D), Chairperson	Y Hannig(D), Vice-Chairperson
N Biggins(R), Republican Spokesperson	A Brauer(R)
Y Mautino(D)(replacing Collins)	A Cultra(R)
Y Riley(D)	

Representative Yarbrough, Chairperson, from the Committee on Housing and Urban Development to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 4196.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4611, 5728 and 5788.

The committee roll call vote on House Bill 4196 is as follows:

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

Y Osterman(D) (replacing Washington)	Y Yarbrough(D), Vice-Chairperson
Y Leitch(R), Republican Spokesperson	Y Graham(D)
Y Hamos(D)	A Kosel(R)
Y Mitchell, Bill(R)	A Poe(R)
A Younge(D)	

The committee roll call vote on House Bills 4611, 5728 and 5788 is as follows:

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

Y Osterman(D) (replacing Washington)	Y Yarbrough(D), Vice-Chairperson
Y Leitch(R), Republican Spokesperson	Y Graham(D)
Y Hamos(D)	A Kosel(R)
Y Mitchell, Bill(R)	Y Poe(R)
Y Harris(D)(replacing Younge)	

Representative Holbrook, Chairperson, from the Committee on Environment & Energy to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4426, 4622, 4668 and 4789.

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

Amendment No. 1 to HOUSE BILL 2088.

The committee roll call vote on Amendment No. 1 to House Bill 2088 is as follows:

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

Y Holbrook(D), Chairperson	Y Nekritz(D), Vice-Chairperson
Y Durkin(R), Republican Spokesperson	Y Bradley, John(D)
Y Davis, M.(D)(replacing Bradley, R)	Y Cole(R)
Y Flider(D)	Y Fortner(R)
Y Hamos(D)	Y Joyce(D)
Y Krause(R)	Y May(D)
Y Meyer(R)	Y Phelps(D)
A Reboletti(R)	Y Reitz(D)
A Rita(D)	A Rose(R)
A Schock(R)	Y McGuire(D)(replacing Smith)
Y Tryon(R)	Y Verschoore(D)
Y Winters(R)	

The committee roll call vote on House Bill 4426 is as follows:

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

Y Holbrook(D), Chairperson	Y Nekritz(D), Vice-Chairperson
Y Durkin(R), Republican Spokesperson	Y Bradley, John(D)
Y Davis, M.(D)(replacing Bradley, R)	Y Cole(R)
Y Flider(D)	Y Fortner(R)
Y Hamos(D)	Y Joyce(D)
Y Krause(R)	Y May(D)
Y Meyer(R)	Y Davis, W.(D)(replacing Phelps)
Y Reboletti(R)	Y Reitz(D)
Y Rita(D)	Y Rose(R)
A Schock(R)	Y McGuire(D)(replacing Smith)

Y Tryon(R) Y Verschoore(D)
Y Winters(R)

The committee roll call vote on House Bill 4668 is as follows:
22, Yeas; 0, Nays; 0, Answering Present.

Y Holbrook(D), Chairperson	Y Nekritz(D), Vice-Chairperson
Y Durkin(R), Republican Spokesperson	Y Bradley, John(D)
Y Davis,M.(D)(replacing Bradley, R)	Y Cole(R)
Y Flider(D)	Y Fortner(R)
Y Hamos(D)	Y Joyce(D)
Y Krause(R)	Y May(D)
Y Meyer(R)	Y Phelps(D)
Y Reboletti(R)	Y Reitz(D)
Y Rita(D)	Y Rose(R)
A Schock(R)	Y McGuire(D)(replacing Smith)
Y Tryon(R)	Y Verschoore(D)
Y Winters(R)	

The committee roll call vote on House Bill 4622 is as follows:
17, Yeas; 2, Nays; 0, Answering Present.

Y Holbrook(D), Chairperson	Y Nekritz(D), Vice-Chairperson
A Durkin(R), Republican Spokesperson	Y Bradley, John(D)
A Davis,M.(D)(replacing Bradley, R)	N Cole(R)
Y Flider(D)	Y Fortner(R)
Y Hamos(D)	N Joyce(D)
Y Krause(R)	Y May(D)
Y Meyer(R)	Y Davis,W.(D)(replacing Phelps)
Y Reboletti(R)	Y Reitz(D)
Y Rita(D)	Y Rose(R)
A Schock(R)	Y McGuire(D)(replacing Smith)
Y Tryon(R)	Y Verschoore(D)
A Winters(R)	

The committee roll call vote on House Bill 4789 is as follows:
17, Yeas; 1, Nay; 0, Answering Present.

Y Holbrook(D), Chairperson	Y Nekritz(D), Vice-Chairperson
A Durkin(R), Republican Spokesperson	N Bradley, John(D)
A Davis,M.(D)(replacing Bradley, R)	Y Cole(R)
Y Flider(D)	Y Fortner(R)
Y Hamos(D)	Y Joyce(D)
Y Krause(R)	Y May(D)
Y Meyer(R)	Y Davis,W.(D)(replacing Phelps)
Y Reboletti(R)	Y Reitz(D)
Y Rita(D)	Y Rose(R)
A Schock(R)	Y McGuire(D)(replacing Smith)
A Tryon(R)	Y Verschoore(D)
A Winters(R)	

Representative Yarbrough, Chairperson, from the Committee on Appropriations-Public Safety to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 4921.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 628.

The committee roll call vote on House Bill 628 is as follows:

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

- | | |
|---------------------------------------|-----------------------------------|
| Y Yarbrough(D), Chairperson | Y Dugan(D) (replacing Washington) |
| Y Schmitz(R), Republican Spokesperson | Y Beaubien(R) |
| A Colvin(D) | A Dunkin(D) |
| A Graham(D) | Y Harris(D) |
| Y Jefferies(D) | Y Mautino(D) |
| Y McAuliffe(R) | Y Molaro(D) |
| Y Osmond(R) | A Patterson(D) |
| Y Sacia(R) | Y Saviano(R) |
| Y Soto(D) | Y Stephens(R) |
| A Sullivan(R) | A Wait(R) |

The committee roll call vote on House Bill 4921 is as follows:

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

- | | |
|---------------------------------------|----------------------------------|
| Y Yarbrough(D), Chairperson | Y Dugan(D)(replacing Washington) |
| Y Schmitz(R), Republican Spokesperson | Y Beaubien(R) |
| A Colvin(D) | A Dunkin(D) |
| A Graham(D) | Y Harris(D) |
| Y Jefferies(D) | Y Mautino(D) |
| Y McAuliffe(R) | Y Molaro(D) |
| Y Osmond(R) | A Patterson(D) |
| A Sacia(R) | Y Saviano(R) |
| A Soto(D) | Y Stephens(R) |
| A Sullivan(R) | A Wait(R) |

Representative Ryg, Chairperson, from the Committee on Disability Services to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5356.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Standard Debate: HOUSE BILL 5574.

The committee roll call vote on House Bill 5356 is as follows:

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

- | | |
|--------------------------------------|------------------------------|
| Y Ryg(D), Chairperson | A Golar(D), Vice-Chairperson |
| A Leitch(R), Republican Spokesperson | Y Bellock(R) |
| Y Chapa LaVia(D) | Y Crespo(D) |
| Y Hernandez(D) | Y Pihos(R) |
| A Ramey(R) | |

The committee roll call vote on House Bill 5574 is as follows:

5, Yeas; 0, Nays; 4, Answering Present.

- | | |
|--------------------------------------|------------------------------|
| Y Ryg(D), Chairperson | Y Golar(D), Vice-Chairperson |
| P Leitch(R), Republican Spokesperson | P Bellock(R) |
| Y Chapa LaVia(D) | Y Crespo(D) |
| Y Hernandez(D) | P Pihos(R) |
| P Ramey(R) | |

Representative Hannig, Chairperson, from the Committee on Appropriations-General Services to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4808 and 5882.

The committee roll call vote on House Bills 4808 and 5882 is as follows:

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

Y Davis, Monique(D), Chairperson	Y Hannig(D), Vice-Chairperson
Y Biggins(R), Republican Spokesperson	Y Brauer(R)
A Collins(D)	Y Cultra(R)
Y Riley(D)	

Representative McCarthy, Chairperson, from the Committee on Higher Education to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4567 and 5905.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4903 and 5164.

That the resolution be reported “recommends be adopted” and be placed on the House Calendar: HOUSE JOINT RESOLUTION 100 and SENATE JOINT RESOLUTION 75.

The committee roll call vote on House Bills 4567, 4903, 5905, HOUSE JOINT RESOLUTION 100 and SENATE JOINT RESOLUTION 75 is as follows:

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

Y McCarthy(D), Chairperson	Y Jakobsson(D), Vice-Chairperson
Y Bost(R), Republican Spokesperson	Y Beiser(D)
Y Black(R)	Y Brady(R)
Y Brosnahan(D)	Y Yarbrough(D)(replacing D’Amico)
Y Eddy(R)	Y Flowers(D)
A Howard(D)	Y Miller(D)
Y Myers(R)	Y Pritchard(R)
Y Tracy(R)	

The committee roll call vote on House Bill 5164 is as follows:

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

Y McCarthy(D), Chairperson	Y Jakobsson(D), Vice-Chairperson
Y Bost(R), Republican Spokesperson	Y Beiser(D)
A Black(R)	Y Brady(R)
Y Brosnahan(D)	Y Yarbrough(D)(replacing D’Amico)
Y Eddy(R)	A Flowers(D)
A Howard(D)	Y Miller(D)
Y Myers(R)	A Pritchard(R)
Y Tracy(R)	

Representative Collins, Chairperson, from the Committee on Juvenile Justice Reform to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5496.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5343.

The committee roll call vote on House Bill 5343 is as follows:
11, Yeas; 0, Nays; 0, Answering Present.

Y Collins(D), Chairperson	Y Lindner(R), Republican Spokesperson
Y Hamos(D)(replacing Davis, M)	Y Feigenholtz(D)
Y Graham(D)	Y Howard(D)
Y Jefferson(D)	Y Reboletti(R)
Y Rose(R)	Y Sacia(R)
Y Tracy(R)	

The committee roll call vote on House Bill 5496 is as follows:
10, Yeas; 0, Nays; 0, Answering Present.

Y Collins(D), Chairperson	Y Lindner(R), Republican Spokesperson
Y Hamos(D)(replacing Davis, M)	Y Feigenholtz(D)
Y Graham(D)	Y Howard(D)
Y Jefferson(D)	Y Reboletti(R)
Y Rose(R)	Y Sacia(R)
A Tracy(R)	

Representative Franks, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the resolutions be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTIONS 952, 962, HOUSE JOINT RESOLUTIONS 92 and 107.

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4550, 5204, 5243, 5312, 5586 and 5891.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4202, 4369, 4553, 4612, 4811, 5113, 5152, 5597, 5755 and 5946.

The committee roll call vote on House Bills 4369, 5152 and 5243 is as follows:
13, Yeas; 0, Nays; 0, Answering Present.

Y Franks(D), Chairperson	Y Dugan(D), Vice-Chairperson
Y Pritchard(R), Republican Spokesperson	Y Bradley, John(D)
Y Collins(D)	Y Davis, Monique(D)
Y Golar(D)(replacing Froehlich)	Y Gordon(D)
Y Krause(R)	Y Myers(R)
Y Poe(R)	Y Ramey(R)
Y Brady(R)(replacing Watson)	

The committee roll call vote on House Bill 5586 and House Joint Resolution 107 is as follows:
13, Yeas; 0, Nays; 0, Answering Present.

Y Franks(D), Chairperson	Y Ford(D) (replacing Dugan)
Y Pritchard(R), Republican Spokesperson	Y Golar(D)(replacing Bradley, J)
Y Collins(D)	Y Davis, Monique(D)
Y Froehlich(D)	Y Gordon(D)
Y Krause(R)	Y Myers(R)
Y Poe(R)	Y Ramey(R)
Y Brady(R)(replacing Watson)	

The committee roll call vote on House Bills 4202, 4550, 5113, 5597, 5946, House Resolution 952, 962 and House Joint Resolution 92 is as follows:

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

Y Franks(D), Chairperson	Y Ford(D) (replacing Dugan)
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Y Pritchard(R), Republican Spokesperson	Y Bradley, John(D)
Y Collins(D)	Y Davis, Monique(D)
Y Froehlich(D)	Y Gordon(D)
Y Krause(R)	Y Myers(R)
Y Poe(R)	Y Ramey(R)
Y Brady(R)(replacing Watson)	

The committee roll call vote on House Bill 4553 is as follows:

7, Yeas; 4, Nays; 0, Answering Present.

Y Franks(D), Chairperson	Y Ford(D) (replacing Dugan)
N Pritchard(R), Republican Spokesperson	Y Golar(D)(replacing Bradley, J)
Y Collins(D)	A Davis, Monique(D)
Y Froehlich(D)	Y Gordon(D)
N Krause(R)	N Myers(R)
A Poe(R)	N Ramey(R)
Y Brady(R)(replacing Watson)	

The committee roll call vote on House Bill 4612 is as follows:

7, Yeas; 4, Nays; 0, Answering Present.

Y Franks(D), Chairperson	Y Ford(D) (replacing Dugan)
Y Pritchard(R), Republican Spokesperson	Y Bradley, John(D)
Y Collins(D)	A Davis, Monique(D)
Y Froehlich(D)	Y Gordon(D)
N Krause(R)	N Myers(R)
A Poe(R)	N Ramey(R)
N Brady(R)(replacing Watson)	

The committee roll call vote on House Bill 4811 is as follows:

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

N Franks(D), Chairperson	Y Ford(D) (replacing Dugan)
Y Pritchard(R), Republican Spokesperson	N Bradley, John(D)
Y Collins(D)	Y Davis, Monique(D)
Y Froehlich(D)	Y Gordon(D)
Y Krause(R)	Y Myers(R)
Y Poe(R)	Y Ramey(R)
Y Brady(R)(replacing Watson)	

The committee roll call vote on House Bill 5204 is as follows:

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

A Franks(D), Chairperson	Y Dugan(D), Vice-Chairperson
Y Pritchard(R), Republican Spokesperson	Y Bradley, John(D)
Y Collins(D)	Y Davis, Monique(D)
Y Golar(D)(replacing Froehlich)	Y Gordon(D)
Y Krause(R)	Y Myers(R)
Y Poe(R)	Y Ramey(R)
A Brady(R)(replacing Watson)	

The committee roll call vote on House Bill 5312 is as follows:

12, Yeas; 1, Nay; 0, Answering Present.

N Franks(D), Chairperson	Y Ford(D) (replacing Dugan)
Y Pritchard(R), Republican Spokesperson	Y Bradley, John(D)
Y Collins(D)	Y Davis, Monique(D)

Y Froehlich(D)	Y Gordon(D)
Y Krause(R)	Y Myers(R)
Y Poe(R)	Y Ramey(R)
Y Brady(R)(replacing Watson)	

The committee roll call vote on House Bill 5755 is as follows:
7, Yeas; 4, Nays; 1, Answering Present.

P Franks(D), Chairperson	Y Dugan(D), Vice-Chairperson
N Pritchard(R), Republican Spokesperson	Y Golar(D)(replacing Bradley, J)
Y Collins(D)	Y Davis, Monique(D)
Y Froehlich(D)	Y Gordon(D)
Y Krause(R)	N Myers(R)
A Poe(R)	N Ramey(R)
N Brady(R)(replacing Watson)	

The committee roll call vote on House Bill 5891 is as follows:
11, Yeas; 1, Nay; 1, Answering Present.

Y Franks(D), Chairperson	Y Dugan(D), Vice-Chairperson
Y Pritchard(R), Republican Spokesperson	Y Bradley, John(D)
N Collins(D)	P Davis, Monique(D)
Y Golar(D)(replacing Froehlich)	Y Gordon(D)
Y Krause(R)	Y Myers(R)
Y Poe(R)	Y Ramey(R)
Y Brady(R)(replacing Watson)	

Representative Chapa LaVia, Chairperson, from the Committee on Local Government to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4145, 4164, 4385, 4417, 4618, 4687, 4725, 4766, 4854, 4931, 4935, 5186 and 5195.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4686, 4930 and 5006.

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 4518.

The committee roll call vote on House Bills 4385, 4686, 4766, 4854, 5186, 5195 and Amendment No. 1 to House Bill 4518 is as follows:

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

Y Chapa LaVia(D), Chairperson	Y Flider(D), Vice-Chairperson
Y Mathias(R), Republican Spokesperson	Y Harris(D)(replacing Ford)
Y Fortner(R)	Y Mautino(D)
Y Riley(D)	Y Ryg(D)
Y Sommer(R)	A Tracy(R)
Y Tryon(R)	

The committee roll call vote on House Bills 4164, 4417, 4618, 4687, 4725, 4930, 4931 and 5006 is as follows:

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

Y Chapa LaVia(D), Chairperson	Y Flider(D), Vice-Chairperson
Y Mathias(R), Republican Spokesperson	Y Harris(D)(replacing Ford)
Y Fortner(R)	Y Mautino(D)
Y Riley(D)	Y Boland(D)(replacing Ryg)
Y Sommer(R)	A Tracy(R)

Y Tryon(R)

The committee roll call vote on House Bill 4145 is as follows:
9, Yeas; 0, Nays; 0, Answering Present.

Y Chapa LaVia(D), Chairperson	Y Flider(D), Vice-Chairperson
Y Mathias(R), Republican Spokesperson	Y Harris(D)(replacing Ford)
Y Fortner(R)	Y Mautino(D)
Y Riley(D)	Y Boland(D)(replacing Ryg)
Y Sommer(R)	A Tracy(R)
A Tryon(R)	

The committee roll call vote on House Bill 4935 is as follows:
6, Yeas; 4, Nays; 0, Answering Present.

N Chapa LaVia(D), Chairperson	N Flider(D), Vice-Chairperson
Y Mathias(R), Republican Spokesperson	Y Harris(D)(replacing Ford)
N Fortner(R)	Y Mautino(D)
Y Riley(D)	Y Boland(D)(replacing Ryg)
N Sommer(R)	A Tracy(R)
Y Tryon(R)	

Representative Lang, Chairperson, from the Committee on Gaming to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4128 and 4758.

The committee roll call vote on House Bill 4128 is as follows:
16, Yeas; 5, Nays; 0, Answering Present.

Y Lang(D), Chairperson	A Scully(D), Vice-Chairperson
Y Hassert(R), Republican Spokesperson	Y Acevedo(D)
Y Bassi(R)	Y Beaubien(R)
Y Jefferies(D)(replacing Bradley, R)	A Brosnahan(D)
N Davis, Monique(D)	Y Dunkin(D)
Y Durkin(R)	N Eddy(R)
A Fritchey(D)	A Granberg(D)
A Howard(D)	N Jefferson(D)
Y Lindner(R)	Y McCarthy(D)
Y Molaro(D)	N Rose(R)
Y Saviano(R)	N Schmitz(R)
Y Black(R)(replacing Schock)	Y Verschoore(D)
Y Poe(R)(replacing Watson)	A Winters(R)
A Yarbrough(D)	Y Younge(D)

The committee roll call vote on House Bill 4758 is as follows:
15, Yeas; 4, Nays; 1, Answering Present.

Y Lang(D), Chairperson	Y Scully(D), Vice-Chairperson
Y Hassert(R), Republican Spokesperson	Y Acevedo(D)
Y Bassi(R)	A Beaubien(R)
Y Jefferies(D)(replacing Bradley, R)	A Brosnahan(D)
A Davis, Monique(D)	N Dunkin(D)
Y Durkin(R)	Y Eddy(R)
A Fritchey(D)	A Granberg(D)
A Howard(D)	Y Jefferson(D)

Y Lindner(R)	A McCarthy(D)
P Molaro(D)	N Rose(R)
Y Saviano(R)	N Schmitz(R)
Y Black(R)(replacing Schock)	Y Verschoore(D)
Y Poe(R)(replacing Watson)	N Winters(R)
A Yarbrough(D)	Y Younge(D)

Representative Rita, Chairperson, from the Committee on Tollway Oversight to which the following were referred, action taken on March 12, 2008, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5128.

The committee roll call vote on House Bill 5128 is as follows:

6, Yeas; 1, Nay; 0, Answering Present.

Y Rita(D), Chairperson	Y Molaro(D), Vice-Chairperson
A Dunn(R), Republican Spokesperson	Y Biggins(R)
Y Jefferson(D)	N McCarthy(D)
A Munson(R)	Y Reboletti(R)
Y Yarbrough(D)	

Representative Dugan, Chairperson, from the Committee on Homeland Security & Emergency Preparedness to which the following were referred, action taken on March 13, 2008, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5760.

The committee roll call vote on House Bill 5760 is as follows:

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

Y Dugan(D), Chairperson	Y Harris(D), Vice-Chairperson
Y Pihos(R), Republican Spokesperson	A Brady(R)
Y Dunkin(D)	Y Ramey(R)(replacing Lindner)
Y Moffitt(R)	Y Osterman(D)
Y Schmitz(R)	Y Verschoore(D)(replacing Smith)
Y Soto(D)(replacing Washington)	

Representative Burke, Chairperson, from the Committee on Personnel and Pensions to which the following were referred, action taken on March 13, 2008, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 562, 5120, 5158 and 5692.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4731, 5142 and 5156.

The committee roll call vote on House Bills 562, 5120, 5142, 5156, 5158 and 5692 is as follows:

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

Y Harris(D) (replacing Bradley, R)	Y Hamos(D) (replacing Colvin)
Y Poe(R), Republican Spokesperson	Y Brauer(R)
Y Burke(D)	

The committee roll call vote on House Bill 4731 is as follows:

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

Y Harris(D) (replacing Bradley, R)	Y Hamos(D) (replacing Colvin)
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N Poe(R), Republican Spokesperson
Y Burke(D)

N Brauer(R)

Representative McAuliffe, Chairperson, from the Committee on Veterans Affairs to which the following were referred, action taken on March 13, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4868 and 5904.

The committee roll call vote on House Bills 4868 and 5904 is as follows:
10, Yeas; 0, Nays; 0, Answering Present.

Y McAuliffe(R), Chairperson
Y Stephens(R) (replacing Watson)
Y Dugan(D)
Y Golar(D)
A Moffitt(R)
Y Collins(D) (replacing Phelps)

Y Chapa LaVia(D), Vice-Chairperson
A Bost(R)
Y Flider(D)
Y McCarthy(D)
Y Osmond(R)
Y Eddy(R) (replacing Schock)

Representative Feigenholtz, Chairperson, from the Committee on Appropriations-Human Services to which the following were referred, action taken on March 13, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4813, 4814, 5075 and 5321.

The committee roll call vote on House Bills 4813 and 4814 is as follows:
10, Yeas; 0, Nays; 0, Answering Present.

Y Feigenholtz(D), Chairperson
Y Mulligan(R), Republican Spokesperson
Y Coulson(R)
Y Leitch(R)
Y Harris(D) (replacing Patterson)
A Schock(R)
Y McGuire(D) (replacing Washington)

A Osterman(D), Vice-Chairperson
Y Bellock(R)
Y Graham(D)
A Munson(R)
Y Riley(D)
Y Verschoore(D)

The committee roll call vote on House Bills 5075 and 5321 is as follows:
8, Yeas; 0, Nays; 0, Answering Present.

Y Feigenholtz(D), Chairperson
Y Mulligan(R), Republican Spokesperson
Y Coulson(R)
A Leitch(R)
Y Harris(D) (replacing Patterson)
A Schock(R)
A Washington(D)

A Osterman(D), Vice-Chairperson
Y Bellock(R)
Y Graham(D)
A Munson(R)
Y Riley(D)
Y Verschoore(D)

Representative Joyce, Chairperson, from the Committee on Aging to which the following were referred, action taken on March 13, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5703.

The committee roll call vote on House Bill 5703 is as follows:
10, Yeas; 0, Nays; 0, Answering Present.

Y Joyce(D), Chairperson
Y Pihos(R), Republican Spokesperson

Y Beiser(D), Vice-Chairperson
A Coladipietro(R)

A D'Amico(D)
 Y Harris(D)
 Y Lyons(D)
 A Mitchell, Jerry(R)
 A Saviano(R)

Y Jakobsson(D) (replacing Franks)
 Y Davis, M(D) (replacing Jefferson)
 Y McGuire(D)
 Y Ramey(R)
 Y Tracy(R)

Representative Brosnahan, Chairperson, from the Committee on Telecommunications to which the following were referred, action taken on March 13, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 4505.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5961.

The committee roll call vote on House Bill 4505 is as follows:

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

Y Brosnahan(D), Chairperson	Y McCarthy(D), Vice-Chairperson
A Meyer(R), Republican Spokesperson	Y Acevedo(D)
Y Berrios(D) (replacing Boland)	Y Bost(R)
Y D'Amico(D) (replacing Bradley, R)	Y Colvin(D)
Y Ford(D) (replacing Dunkin)	A Fritchey(D)
Y Davis, W(D) (replacing Granberg)	Y Hamos(D)
Y Yarbrough(D) (replacing Holbrook)	Y Krause(R)
Y Lyons(D)	Y Mathias(R)
Y May(D)	Y McAuliffe(R)
A Mitchell, Bill(R)	Y Osmond(R)
Y Ramey(R)	Y Schmitz(R)
Y Smith(D)	Y Eddy(R) (replacing Watson)
Y Winters(R)	

The committee roll call vote on House Bill 5961 is as follows:

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

Y Brosnahan(D), Chairperson	A McCarthy(D), Vice-Chairperson
A Meyer(R), Republican Spokesperson	Y Acevedo(D)
Y Berrios(D) (replacing Boland)	Y Bost(R)
Y D'Amico(D) (replacing Bradley, R)	Y Colvin(D)
Y Ford(D) (replacing Dunkin)	A Fritchey(D)
A Granberg(D)	A Hamos(D)
Y Yarbrough(D) (replacing Holbrook)	Y Krause(R)
Y Lyons(D)	A Mathias(R)
Y May(D)	A McAuliffe(R)
A Mitchell, Bill(R)	Y Osmond(R)
Y Ramey(R)	Y Schmitz(R)
Y Smith(D)	Y Eddy(R) (replacing Watson)
Y Winters(R)	

Representative John Bradley, Chairperson, from the Committee on Revenue to which the following were referred, action taken on March 13, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 1867, 4425, 4451, 4732, 4788, 4793 and 5069.

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 6302.

The committee roll call vote on House Bills 1867, 4425, 4451, 4732, 4788, 4793 and 5069 is as follows:

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

Y Bradley, John(D), Chairperson	Y Mautino(D), Vice-Chairperson
Y Biggins(R), Republican Spokesperson	Y Bassi(R)
Y Beaubien(R)	Y Currie(D)
Y Hannig(D)	Y Hassert(R)
Y Holbrook(D)	Y McGuire(D)
Y Sullivan(R)	Y Turner(D)

The committee roll call vote on House Bill 6302 is as follows:

9, Yeas; 3, Nays; 0, Answering Present.

Y Bradley, John(D), Chairperson	Y Mautino(D), Vice-Chairperson
N Biggins(R), Republican Spokesperson	Y Bassi(R)
N Beaubien(R)	Y Currie(D)
Y Hannig(D)	Y Hassert(R)
Y Holbrook(D)	Y McGuire(D)
N Sullivan(R)	Y Turner(D)

Representative Feigenholtz, Chairperson, from the Committee on Adoption Reform to which the following were referred, action taken on March 13, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4571 and 4623.

The committee roll call vote on House Bill 4571 is as follows:

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

Y Feigenholtz(D), Chairperson	Y Sommer(R), Republican Spokesperson
Y Cole(R)	Y Burke(D) (replacing Collins)
Y Harris(D) (replacing Ford)	Y Jakobsson(D)
Y Lang(D)	Y Lindner(R)
Y Krause(R) (replacing Mathias)	

The committee roll call vote on House Bill 4623 is as follows:

8, Yeas; 1, Nay; 0, Answering Present.

Y Feigenholtz(D), Chairperson	N Sommer(R), Republican Spokesperson
Y Cole(R)	Y Burke(D) (replacing Collins)
Y Harris(D) (replacing Ford)	Y Jakobsson(D)
Y Lang(D)	Y Lindner(R)
Y Krause(R) (replacing Mathias)	

Representative Nekritz, Chairperson, from the Committee on Railroad Safety to which the following were referred, action taken on March 13, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 4754.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5159.

The committee roll call vote on House Bills 4754 and 5159 is as follows:

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

Y Nekritz(D), Chairperson	Y Moffitt(R), Republican Spokesperson
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A Black(R)	Y Cultra(R)
Y Davis, William(D)	Y Hoffman(D)
Y Holbrook(D)	Y Joyce(D)
Y Mathias(R)	

Representative Collins, Chairperson, from the Committee on Juvenile Justice Reform to which the following were referred, action taken on March 13, 2008, reported the same back with the following recommendations:

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 4988.

The committee roll call vote on House Bill 4988 is as follows:

7, Yeas; 1, Nay; 0, Answering Present.

Y Collins(D), Chairperson	A Lindner(R), Republican Spokesperson
Y Davis, Monique(D)	Y Hamos(D) (replacing Feigenholtz)
Y Graham(D)	Y Howard(D)
Y Jefferson(D)	N Reboletti(R)
A Rose(R)	Y Sacia(R)
A Tracy(R)	

Representative Graham, Chairperson, from the Committee on Renewable Energy to which the following were referred, action taken on March 13, 2008, reported the same back with the following recommendations:

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 4696.

The committee roll call vote on House Bill 4696 is as follows:

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

Y Graham(D), Chairperson	Y Boland(D), Vice-Chairperson
Y Pritchard(R), Republican Spokesperson	A Cole(R)
A Dunn(R)	Y Joyce(D)
Y Smith(D) (replacing Mendoza)	Y Nekritz(D)
Y Reis(R)	Y Wait(R)
A Winters(R)	Y Yarbrough(D)
Y Younge(D)	

Representative Molaro, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on March 13, 2008, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4506, 4556, 4728, 4874, 5524, 5653 and 5707.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4326, 4578, 4629, 4844, 4875, 4879, 5093, 5101, 5148, 5239, 5469, 5516, 5525, 5592, 5687, 5752 and 5908.

That the bill be reported “do pass” and be placed on the order of Second Reading-- Standard Debate: HOUSE BILL 5909.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Standard Debate: HOUSE BILL 4841.

That the resolution be reported “recommends be adopted as amended” and be placed on the House Calendar: HOUSE RESOLUTION 628.

The committee roll call vote on House Bills 4578, 4629, 5093, 5101, 5239, 5469, 5516, 5653, 5752 and House Resolution 628 is as follows:

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

Y Molaro(D), Chairperson	Y Collins(D), Vice-Chairperson
Y Lindner(R), Republican Spokesperson	Y Chapa LaVia(D)
Y Durkin(R)	Y Golar(D)
Y Gordon(D)	Y Howard(D)
Y Jefferies(D)	Y Reboletti(R)
Y Reis(R)	Y Sacia(R)
Y Wait(R)	

The committee roll call vote on House Bills 5592 and 5908 is as follows:
12, Yeas; 1, Nay; 0, Answering Present.

Y Molaro(D), Chairperson	N Collins(D), Vice-Chairperson
Y Lindner(R), Republican Spokesperson	Y Chapa LaVia(D)
Y Durkin(R)	Y Golar(D)
Y Gordon(D)	Y Howard(D)
Y Jefferies(D)	Y Reboletti(R)
Y Reis(R)	Y Sacia(R)
Y Wait(R)	

The committee roll call vote on House Bills 4326 and 4506 is as follows:
11, Yeas; 2, Nays; 0, Answering Present.

N Molaro(D), Chairperson	N Collins(D), Vice-Chairperson
Y Lindner(R), Republican Spokesperson	Y Chapa LaVia(D)
Y Durkin(R)	Y Golar(D)
Y Gordon(D)	Y Howard(D)
Y Jefferies(D)	Y Reboletti(R)
Y Reis(R)	Y Sacia(R)
Y Wait(R)	

The committee roll call vote on House Bills 5148 and 5687 is as follows:
13, Yeas; 0, Nays; 0, Answering Present.

Y Molaro(D), Chairperson	Y Ford(D) (replacing Collins)
Y Lindner(R), Republican Spokesperson	Y Chapa LaVia(D)
Y Durkin(R)	Y Golar(D)
Y Gordon(D)	Y Howard(D)
Y Jefferies(D)	Y Reboletti(R)
Y Reis(R)	Y Sacia(R)
Y Wait(R)	

The committee roll call vote on House Bill 4556 is as follows:
8, Yeas; 4, Nays; 0, Answering Present.

N Molaro(D), Chairperson	N Collins(D), Vice-Chairperson
Y Lindner(R), Republican Spokesperson	Y Chapa LaVia(D)
Y Durkin(R)	A Golar(D)
N Gordon(D)	N Howard(D)
Y Jefferies(D)	Y Reboletti(R)
Y Reis(R)	Y Sacia(R)
Y Wait(R)	

The committee roll call vote on House Bill 4728 is as follows:
8, Yeas; 5, Nays; 0, Answering Present.

N Molaro(D), Chairperson	N Collins(D), Vice-Chairperson
Y Lindner(R), Republican Spokesperson	Y Chapa LaVia(D)

Y Durkin(R)	N Golar(D)
Y Gordon(D)	N Howard(D)
N Jefferies(D)	Y Reboletti(R)
Y Reis(R)	Y Sacia(R)
Y Wait(R)	

The committee roll call vote on House Bill 4841 is as follows:
7, Yeas; 6, Nays; 0, Answering Present.

Y Molaro(D), Chairperson	N Ford(D) (replacing Collins)
Y Lindner(R), Republican Spokesperson	Y Chapa LaVia(D)
Y Durkin(R)	N Golar(D)
N Gordon(D)	N Howard(D)
N Jefferies(D)	N Reboletti(R)
Y Reis(R)	Y Sacia(R)
Y Wait(R)	

The committee roll call vote on House Bill 4844 is as follows:
9, Yeas; 3, Nays; 0, Answering Present.

Y Molaro(D), Chairperson	Y Collins(D), Vice-Chairperson
A Lindner(R), Republican Spokesperson	Y Chapa LaVia(D)
Y Durkin(R)	Y Golar(D)
Y Gordon(D)	Y Howard(D)
Y Jefferies(D)	Y Reboletti(R)
N Reis(R)	N Sacia(R)
N Wait(R)	

The committee roll call vote on House Bill 4874 is as follows:
8, Yeas; 4, Nays; 0, Answering Present.

Y Molaro(D), Chairperson	N Collins(D), Vice-Chairperson
Y Lindner(R), Republican Spokesperson	Y Chapa LaVia(D)
Y Durkin(R)	N Golar(D)
N Gordon(D)	N Howard(D)
A Jefferies(D)	Y Reboletti(R)
Y Reis(R)	Y Sacia(R)
Y Wait(R)	

The committee roll call vote on House Bill 4875 is as follows:
10, Yeas; 1, Nay; 0, Answering Present.

Y Molaro(D), Chairperson	N Collins(D), Vice-Chairperson
Y Lindner(R), Republican Spokesperson	Y Chapa LaVia(D)
A Durkin(R)	Y Golar(D)
Y Gordon(D)	Y Howard(D)
Y Jefferies(D)	Y Reboletti(R)
Y Reis(R)	Y Sacia(R)
A Wait(R)	

The committee roll call vote on House Bill 4879 is as follows:
8, Yeas; 4, Nays; 0, Answering Present.

N Molaro(D), Chairperson	N Collins(D), Vice-Chairperson
Y Lindner(R), Republican Spokesperson	Y Chapa LaVia(D)
Y Durkin(R)	N Golar(D)
N Gordon(D)	Y Howard(D)

A Jefferies(D)	Y Reboletti(R)
Y Reis(R)	Y Sacia(R)
Y Wait(R)	

The committee roll call vote on House Bill 5524 is as follows:
10, Yeas; 2, Nays; 0, Answering Present.

N Molaro(D), Chairperson	N Collins(D), Vice-Chairperson
Y Lindner(R), Republican Spokesperson	Y Chapa LaVia(D)
Y Durkin(R)	Y Golar(D)
Y Gordon(D)	Y Howard(D)
A Jefferies(D)	Y Reboletti(R)
Y Reis(R)	Y Sacia(R)
Y Wait(R)	

The committee roll call vote on House Bill 5525 is as follows:
11, Yeas; 1, Nay; 0, Answering Present.

Y Molaro(D), Chairperson	N Collins(D), Vice-Chairperson
Y Lindner(R), Republican Spokesperson	Y Chapa LaVia(D)
A Durkin(R)	Y Golar(D)
Y Gordon(D)	Y Howard(D)
Y Jefferies(D)	Y Reboletti(R)
Y Reis(R)	Y Sacia(R)
Y Wait(R)	

The committee roll call vote on House Bill 5707 is as follows:
10, Yeas; 3, Nays; 0, Answering Present.

Y Molaro(D), Chairperson	N Collins(D), Vice-Chairperson
Y Lindner(R), Republican Spokesperson	Y Chapa LaVia(D)
Y Durkin(R)	Y Golar(D)
N Gordon(D)	Y Howard(D)
Y Jefferies(D)	N Reboletti(R)
Y Reis(R)	Y Sacia(R)
Y Wait(R)	

The committee roll call vote on House Bill 5909 is as follows:
7, Yeas; 5, Nays; 1, Answering Present.

N Molaro(D), Chairperson	N Collins(D), Vice-Chairperson
Y Lindner(R), Republican Spokesperson	Y Chapa LaVia(D)
N Durkin(R)	P Golar(D)
Y Gordon(D)	N Howard(D)
N Jefferies(D)	Y Reboletti(R)
Y Reis(R)	Y Sacia(R)
Y Wait(R)	

Representative William Davis, Chairperson, from the Committee on Health & Healthcare Disparities to which the following were referred, action taken on March 13, 2008, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5192.

The committee roll call vote on House Bill 5192 is as follows:
10, Yeas; 0, Nays; 0, Answering Present.

Y Davis, William(D), Chairperson
Y Coulson(R), Republican Spokesperson
A Howard(D)
Y Leitch(R)
Y Meyer(R)
Y Mulligan(R)

Y Rita(D), Vice-Chairperson
Y Hernandez(D)
A Jefferies(D)
Y Mendoza(D)
Y Harris(D) (replacing Miller)
Y Osmond(R) (replacing Saviano)

FISCAL NOTE SUPPLIED

A Fiscal Note has been supplied for HOUSE BILL 5534, as amended.

REQUEST FOR FISCAL NOTES

Representative Black requested that Fiscal Notes be supplied for HOUSE BILLS 5213, as amended and 5613, as amended.

REQUEST FOR STATE MANDATES FISCAL NOTE

Representative Black requested that a State Mandates Fiscal Note be supplied for HOUSE BILL 5213, as amended.

REQUEST FOR HOME RULE NOTE

Representative William Davis requested that a Home Rule Note be supplied for HOUSE BILL 5506.

BALANCED BUDGET NOTES REQUEST WITHDRAWN

Representative Granberg withdrew his request for Balanced Budget Notes on HOUSE BILLS 4443, 4807, 4826, 4926, 5215, 5276, 5671 and 5701.

MESSAGES FROM THE SENATE

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:
HOUSE JOINT RESOLUTION NO. 111
Concurred in the Senate, March 13, 2008.

Deborah Shipley, Secretary of the Senate

CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Hoffman was removed as principal sponsor, and Representative Holbrook became the new principal sponsor of HOUSE BILL 5159.

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 1082

Offered by Representative Berrios:
Congratulates George "Georgie Porgie" Andros on the occasion of the 15th anniversary of his independent music label, Music Plant Group.

HOUSE RESOLUTION 1084

Offered by Representative Beaubien:
Mourns the death of Joseph F. Prola of Springfield.

HOUSE RESOLUTION 1085

Offered by Representative Granberg:
Honors Swedish Ambassador Jonas Hafström.

HOUSE RESOLUTION 1086

Offered by Representative Black:
Congratulates Jim Anderson on the occasion of his retirement as President of First Midwest Bank in Danville.

HOUSE RESOLUTION 1087

Offered by Representative Hoffman:
Congratulates Darrell McGibany of Alton on the occasion of his retirement from the Madison County Probation Department.

HOUSE RESOLUTION 1088

Offered by Representative Dugan:
Congratulates Reverend William H. Copeland, Jr., on the occasion of his retirement as pastor of Morning Star Missionary Baptist Church in Kankakee.

HOUSE RESOLUTION 1089

Offered by Representative Coladipietro:
Congratulates Fire Chief Don Markowski of the Glendale Heights Fire Department on his retirement.

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 2:16 o'clock p.m.

HOUSE BILLS ON SECOND READING

HOUSE BILL 796. Having been recalled on March 6, 2008, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

HOUSE BILL 838. 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 838 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Sections 15-1504 and 15-1510 and by adding Sections 15-1504.5 and 15-1505.5 as follows:

(735 ILCS 5/15-1504) (from Ch. 110, par. 15-1504)

Sec. 15-1504. Pleadings and service.

(a) Form of Complaint. A copy of the mortgage and note secured thereby must be attached to the foreclosure complaint. If any note required to be attached to a complaint filed pursuant to this subsection (a) of Section 15-1504 of this Code cannot be located for filing as an exhibit after due diligence by the moving party of such a complaint, the moving party must file an affidavit stating the following:

(i) All the holders of the note;

(ii) The time each note holder held the note identified by the day, month, and year; and

(iii) The reasonable efforts made by the moving party to obtain the note.

A foreclosure complaint may be in substantially the following form:

(1) Plaintiff files this complaint to foreclose the mortgage (or other conveyance in the nature of a mortgage) (hereinafter called "mortgage") hereinafter described and joins the following person as defendants: (here insert names of all defendants).

(2) Attached as Exhibit "A" is a copy of the mortgage and as Exhibit "B" is a copy of the note secured thereby.

(3) Information concerning mortgage:

(A) Nature of instrument: (here insert whether a mortgage, trust deed or other instrument in the nature of a mortgage, etc.)

(B) Date of mortgage:

(C) Name of mortgagor:

(D) Name of mortgagee:

(E) Date and place of recording:

(F) Identification of recording: (here insert book and page number or document number)

(G) Interest subject to the mortgage: (here insert whether fee simple, estate for years, undivided interest, etc.)

(H) Amount of original indebtedness, including subsequent advances made under the mortgage:

(I) Both the legal description of the mortgaged real estate and the common address or other information sufficient to identify it with reasonable certainty:

(J) Statement as to defaults, including, but not necessarily limited to, date of default, current unpaid principal balance, per diem interest accruing, and any further information concerning the default:

(K) Name of present owner of the real estate:

(L) Names of other persons who are joined as defendants and whose interest in or lien on the mortgaged real estate is sought to be terminated:

(M) Names of defendants claimed to be personally liable for deficiency, if any:

(N) The real party in interest which ~~Capacity in which plaintiff~~ brings this foreclosure (here indicate whether plaintiff is the legal holder

of the indebtedness, a pledgee, an agent, the trustee under a trust deed or otherwise, as appropriate):

(O) Facts in support of redemption period shorter than the longer of (i) 7 months from the date the mortgagor or, if more than one, all the mortgagors (I) have been served with summons or by publication or (ii) have otherwise submitted to the jurisdiction of the court, or (ii) 3

months from the entry of the judgment of foreclosure, if sought (here indicate whether based upon the real estate not being residential, abandonment, or real estate value less than 90% of amount owed, etc.):

(P) Statement that the right of redemption has been waived by all owners of redemption, if applicable:

(Q) Facts in support of request for attorneys' fees and of costs and expenses, if applicable:

(R) Facts in support of a request for appointment of mortgagee in possession or for appointment of receiver, and identity of such receiver, if sought:

(S) Offer to mortgagor in accordance with Section 15-1402 to accept title to the real estate in satisfaction of all indebtedness and obligations secured by the mortgage without judicial sale, if sought:

(T) Name or names of defendants whose right to possess the mortgaged real estate, after the confirmation of a foreclosure sale, is sought to be terminated and, if not elsewhere stated, the facts in support thereof:

REQUEST FOR RELIEF

Plaintiff requests:

- (i) A judgment of foreclosure and sale.
- (ii) An order granting a shortened redemption period, if sought.
- (iii) A personal judgment for a deficiency, if sought.
- (iv) An order granting possession, if sought.
- (v) An order placing the mortgagee in possession or appointing a receiver, if sought.
- (vi) A judgment for attorneys' fees, costs and expenses, if sought.

(b) Required Information. A foreclosure complaint need contain only such statements and requests called for by the form set forth in subsection (a) of Section 15-1504 as may be appropriate for the relief sought. Such complaint may be filed as a counterclaim, may be joined with other counts or may include in the same count additional matters or a request for any additional relief permitted by Article II of the Code of Civil Procedure.

(c) Allegations. The statements contained in a complaint in the form set forth in subsection (a) of Section 15-1504 are deemed and construed to include allegations as follows:

- (1) on the date indicated the obligor of the indebtedness or other obligations secured by the mortgage was justly indebted in the amount of the indicated original indebtedness to the original mortgagee or payee of the mortgage note;
- (2) that the exhibits attached are true and correct copies of the mortgage and note and are incorporated and made a part of the complaint by express reference;
- (3) that the mortgagor was at the date indicated an owner of the interest in the real estate described in the complaint and that as of that date made, executed and delivered the mortgage as security for the note or other obligations;
- (4) that the mortgage was recorded in the county in which the mortgaged real estate is located, on the date indicated, in the book and page or as the document number indicated;
- (5) that defaults occurred as indicated;
- (6) that at the time of the filing of the complaint the persons named as present owners are the owners of the indicated interests in and to the real estate described;
- (7) that the mortgage constitutes a valid, prior and paramount lien upon the indicated interest in the mortgaged real estate, which lien is prior and superior to the right, title, interest, claim or lien of all parties and nonrecord claimants whose interests in the mortgaged real estate are sought to be terminated;
- (8) that by reason of the defaults alleged, if the indebtedness has not matured by its terms, the same has become due by the exercise, by the plaintiff or other persons having such power, of a right or power to declare immediately due and payable the whole of all indebtedness secured by the mortgage;
- (9) that any and all notices of default or election to declare the indebtedness due and payable or other notices required to be given have been duly and properly given;
- (10) that any and all periods of grace or other period of time allowed for the performance of the covenants or conditions claimed to be breached or for the curing of any breaches have expired;

(11) that the amounts indicated in the statement in the complaint are correctly stated and if such statement indicates any advances made or to be made by the plaintiff or owner of the mortgage indebtedness, that such advances were, in fact, made or will be required to be made, and under and by virtue of the mortgage the same constitute additional indebtedness secured by the mortgage; and

(12) that, upon confirmation of the sale, the holder of the certificate of sale or deed issued pursuant to that certificate or, if no certificate or deed was issued, the purchaser at the sale will be entitled to full possession of the mortgaged real estate against the parties named in clause (T) of paragraph (3) of subsection (a) of Section 15-1504 or elsewhere to the same effect; the omission of any party indicates that plaintiff will not seek a possessory order in the order confirming sale unless the request is subsequently made under subsection (h) of Section 15-1701 or by separate action under Article 9 of this Code.

(d) Request for Fees and Costs. A statement in the complaint that plaintiff seeks the inclusion of attorneys' fees and of costs and expenses shall be deemed and construed to include allegations that:

(1) plaintiff has been compelled to employ and retain attorneys to prepare and file the complaint and to represent and advise the plaintiff in the foreclosure of the mortgage and the plaintiff will thereby become liable for the usual, reasonable and customary fees of the attorneys in that behalf;

(2) that the plaintiff has been compelled to advance or will be compelled to advance, various sums of money in payment of costs, fees, expenses and disbursements incurred in connection with the foreclosure, including, without limiting the generality of the foregoing, filing fees, stenographer's fees, witness fees, costs of publication, costs of procuring and preparing documentary evidence and costs of procuring abstracts of title, Torrens certificates, foreclosure minutes and a title insurance policy;

(3) that under the terms of the mortgage, all such advances, costs, attorneys' fees and other fees, expenses and disbursements are made a lien upon the mortgaged real estate and the plaintiff is entitled to recover all such advances, costs, attorneys' fees, expenses and disbursements, together with interest on all advances at the rate provided in the mortgage, or, if no rate is provided therein, at the statutory judgment rate, from the date on which such advances are made;

(4) that in order to protect the lien of the mortgage, it may become necessary for plaintiff to pay taxes and assessments which have been or may be levied upon the mortgaged real estate;

(5) that in order to protect and preserve the mortgaged real estate, it may also become necessary for the plaintiff to pay liability (protecting mortgagor and mortgagee), fire and other hazard insurance premiums on the mortgaged real estate, make such repairs to the mortgaged real estate as may reasonably be deemed necessary for the proper preservation thereof, advance for costs to inspect the mortgaged real estate or to appraise it, or both, and advance for premiums for pre-existing private or governmental mortgage insurance to the extent required after a foreclosure is commenced in order to keep such insurance in force; and

(6) that under the terms of the mortgage, any money so paid or expended will become an additional indebtedness secured by the mortgage and will bear interest from the date such monies are advanced at the rate provided in the mortgage, or, if no rate is provided, at the statutory judgment rate.

(e) Request for Foreclosure. The request for foreclosure is deemed and construed to mean that the plaintiff requests that:

(1) an accounting may be taken under the direction of the court of the amounts due and owing to the plaintiff;

(2) that the defendants be ordered to pay to the plaintiff before expiration of any redemption period (or, if no redemption period, before a short date fixed by the court) whatever sums may appear to be due upon the taking of such account, together with attorneys' fees and costs of the proceedings (to the extent provided in the mortgage or by law);

(3) that in default of such payment in accordance with the judgment, the mortgaged real estate be sold as directed by the court, to satisfy the amount due to the plaintiff as set forth in the judgment, together with the interest thereon at the statutory judgment rate from the date of the judgment;

(4) that in the event the plaintiff is a purchaser of the mortgaged real estate at such sale, the plaintiff may offset against the purchase price of such real estate the amounts due under the judgment of foreclosure and order confirming the sale;

(5) that in the event of such sale and the failure of any person entitled thereto to redeem prior to such sale pursuant to this Article, the defendants made parties to the foreclosure in accordance with this Article, and all nonrecord claimants given notice of the foreclosure in accordance with this Article, and all persons claiming by, through or under them, and each and any and all of them,

may be forever barred and foreclosed of any right, title, interest, claim, lien, or right to redeem in and to the mortgaged real estate; and

(6) that if no redemption is made prior to such sale, a deed may be issued to the purchaser thereof according to law and such purchaser be let into possession of the mortgaged real estate in accordance with Part 17 of this Article.

(f) Request for Deficiency Judgment. A request for a personal judgment for a deficiency in a foreclosure complaint if the sale of the mortgaged real estate fails to produce a sufficient amount to pay the amount found due, the plaintiff may have a personal judgment against any party in the foreclosure indicated as being personally liable therefor and the enforcement thereof be had as provided by law.

(g) Request for Possession or Receiver. A request for possession or appointment of a receiver has the meaning as stated in subsection (b) of Section 15-1706.

(h) Answers by Parties. Any party may assert its interest by counterclaim and such counterclaim may at the option of that party stand in lieu of answer to the complaint for foreclosure and all counter complaints previously or thereafter filed in the foreclosure. Any such counterclaim shall be deemed to constitute a statement that the counter claimant does not have sufficient knowledge to form a belief as to the truth or falsity of the allegations of the complaint and all other counterclaims, except to the extent that the counterclaim admits or specifically denies such allegations.

(Source: P.A. 91-357, eff. 7-29-99.)

(735 ILCS 5/15-1504.5 new)

Sec. 15-1504.5. Notice with complaint. For all residential foreclosure actions filed, the plaintiff must attach a notice to the summons and complaint that specifies to the defendant mortgagor his or her statutory right to maintain homeownership during the pendency of the foreclosure action. The notice must be in substantially the following form:

a. As a homeowner, you have the following rights during the foreclosure proceedings:

1. POSSESSION: The lawful occupants may be able to live in the house until a judge enters an order of eviction.

2. OWNERSHIP: You may have the right to sell the house or refinance the mortgage during the redemption period.

3. REINSTATEMENT: You may have the right to bring the mortgage current within 90 days after you receive this Summons.

4. REDEMPTION: You may have the right to pay off the loan during the redemption period.

5. SURPLUS: You have the right to petition for any excess money that results from a foreclosure sale of the house.

6. WORKOUT OPTIONS: The mortgage company does not want to foreclose the mortgage if there is any way to avoid it. Call the mortgage company or its attorneys to find out the alternatives to foreclosure.

7. GET ADVICE: This information is not exhaustive and does not replace the advice of a professional. You may have other options. Get professional advice from a lawyer or certified housing counselor about your rights and options to avoid foreclosure.

8. A LAWYER: If you do not have a lawyer, and are unable to afford one, you may be able to find assistance by contacting Illinois Legal Aid or the Illinois State Bar Association.

9. PROCEED WITH CAUTION: You may be contacted by people offering to help you to avoid foreclosure. The Illinois Mortgage Rescue Act provides you some protections in these situations. Please follow these precautions:

a. Get legal advice before entering into any deal involving your house.

b. Get legal advice before you pay money to any person offering to help you avoid foreclosure.

c. Do not sign any papers you do not understand.

(735 ILCS 5/15-1505.5 new)

Sec. 15-1505.5. Payoff demands.

(a) On the written demand of a mortgagor or the mortgagor's authorized agent, a mortgagee or the mortgagee's authorized agent shall prepare and deliver a payoff demand statement to the mortgagor or the mortgagor's authorized agent who has requested it within 5 business days after receipt of the demand.

(b) The payoff demand statement shall provide the amounts required as of the date of preparation and shall include the information reasonably necessary to calculate the payoff amount on a per diem basis for the time that the per diem amount remains unchanged as provided in the note but not to exceed 30 days. The payoff demand statement shall also include the loan number for the obligation to be paid, the address of the mortgagee, the telephone number of the mortgagee and, if a banking organization or corporation, the name of the department, and its telephone number and facsimile phone number.

(c) The mortgagor or the mortgagor's authorized agent may rely on a payoff demand statement for the purpose of establishing the amount necessary to pay the obligation in full and obtain a release of the mortgage or deed of trust that secures the obligation through and including the time set forth in the payoff demand statement.

(d) Any sums that were due the mortgagee or the mortgagee's authorized agent that were not included in the payoff demand statement or in any amended statement constitute an unsecured obligation of the mortgagor pursuant to the terms of the note and are recoverable by the mortgagee or mortgagee's agent pursuant to the terms of the note and as otherwise provided by law.

(e) A mortgagee or mortgagee's agent who willfully fails to prepare and deliver a payoff demand statement within 5 business days after receipt of a written demand is liable to the mortgagor for actual damages sustained for failure to deliver the statement. The mortgagee or mortgagee's agent is liable to the mortgagor for \$500 if no actual damages are sustained. Each failure of the mortgagee to prepare and deliver the payoff demand statement when required to do so pursuant to this Section constitutes a separate cause of action. For purposes of this subsection, "willfully" means a failure to comply with this Section without just cause or excuse.

(f) Unless the payoff demand statement provides otherwise, the statement is deemed to apply only to the unpaid balance of the single obligation that is named in the demand and that is secured by the mortgage or deed of trust identified in the payoff demand statement.

(g) The demand for and preparation and delivery of a payoff demand statement pursuant to this Section does not change any date or time period that is prescribed in the note or that is otherwise provided by law.

(h) The mortgagee or mortgagee's agent may assess a fee of no more than \$10 for furnishing each payoff demand statement. This is conclusively presumed to be reasonable.

(i) For the purposes of this Section, unless the context otherwise requires:

(1) "Deliver" or "delivery" means depositing or causing to be deposited into the United States mail an envelope with postage prepaid that contains a copy of the documents to be delivered and that is addressed to the person whose name and address are provided in the payoff demand. Delivery may also include transmitting those documents by telephone facsimile to the person or electronically if the payoff demand specifically requests and authorizes that the documents be transmitted in electronic form.

(2) "Payoff demand" means a written demand for a payoff demand statement made by the mortgagor or the mortgagor's authorized agent.

(3) "Payoff demand statement" means a written statement that is prepared in response to a written demand made by a mortgagee or the mortgagee's authorized agent that sets forth the amounts required by the beneficiary to fully satisfy all of the obligations secured by the loan that is the subject of the demand.

(735 ILCS 5/15-1510) (from Ch. 110, par. 15-1510)

Sec. 15-1510. Attorney's Fees and Costs by Written Agreement. The court may award reasonable attorney's fees and costs to the prevailing party in the foreclosure action. Attorneys' fees and other costs incurred in connection with the preparation, filing or prosecution of the foreclosure suit shall be recoverable in a foreclosure only to the extent specifically set forth in the mortgage or other written agreement between the mortgagor and the mortgagee or as otherwise provided in this Article.

(Source: P.A. 86-974.)

Section 99. Effective date. This Act takes effect January 1, 2009."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was held on the order of Second Reading.

HOUSE BILL 842. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Computer Technology, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 842 as follows:

on page 2, lines 4 and 5, by deleting ", as defined by the Department in rules,"; and

on page 2 by deleting lines 13 through 15; and

on page 3, immediately below line 6, by inserting the following:

"Section 85. No rulemaking authority. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this Act. If, however, the

Governor believes that rules are necessary to implement or enforce the provisions of this Act, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this Act shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this Act, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."; and
on page 3, line 12, by changing "2008" to "2009".

AMENDMENT NO. 2. Amend House Bill 842 on page 1, line 18, by replacing "shall" with "may".

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 953.

HOUSE BILL 1054. 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 1054 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 3-14.31 as follows:

(105 ILCS 5/3-14.31)

Sec. 3-14.31. School facility occupation tax proceeds.

(a) Within 30 days after receiving any proceeds of a school facility occupation tax under Section 5-1006.7 of the Counties Code, each regional superintendent must disburse those proceeds to each school district that is located in the county in which the tax was collected.

(b) The proceeds must be disbursed on an enrollment basis and allocated based upon the number of each school district's resident pupils that reside within the county collecting the tax divided by the total number of resident students ~~for all school districts~~ within the county.

(Source: P.A. 95-675, eff. 10-11-07.)"

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 1223. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 1223 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Section 3-114.1 as follows:

(40 ILCS 5/3-114.1) (from Ch. 108 1/2, par. 3-114.1)

Sec. 3-114.1. Disability pension - Line of duty.

(a) If a police officer as the result of sickness, accident or injury incurred in or resulting from the performance of an act of duty, is found to be physically or mentally disabled for service in the police department, so as to render necessary his or her suspension or retirement from the police service, the police officer shall be entitled to a disability retirement pension equal to the greatest of (1) 65% of the salary attached to the rank on the police force held by the officer at the date of suspension of duty or retirement,

(2) the retirement pension that the police officer would be eligible to receive if he or she retired (but not including any automatic annual increase in that retirement pension), or (3) the pension provided under subsection (d), if applicable.

A police officer shall be considered "on duty" while on any assignment approved by the chief of the police department of the municipality he or she serves, whether the assignment is within or outside the municipality.

(b) If a police officer on disability pension dies while still disabled, the disability pension shall continue to be paid to his or her survivors in the sequence provided in Section 3-112.

(c) From and after July 1, 1987, any pension payable under this Section shall be at least \$400 per month, without regard to the fact that the disability or death of the police officer occurred prior to that date. If the minimum pension established in Section 3-113.1 is greater than the minimum provided in this Section, the Section 3-113.1 minimum controls.

(d) A disabled police officer who (1) is receiving a pension under this Section on the effective date of this amendatory Act of the 91st General Assembly, (2) files with the Fund, within 30 days after that effective date and annually thereafter while the pension remains payable, a written application for the benefits of this subsection, including an affidavit stating that the applicant has not earned any income from gainful employment during the most recently concluded tax year and a copy of his or her most recent Illinois income tax return, (3) has service credit in the Fund for at least 7 years of active duty, and (4) has been receiving the pension under this Section for a period which, when added to the officer's total service credit in the Fund, equals at least 20 years, shall be eligible to receive an annual noncompounded increase in his or her pension under this Section, equal to 3% of the original pension.

The Fund may take appropriate steps to verify the applicant's disability and earnings status, and for this purpose may request from the Department of Revenue a certified copy of the applicant's Illinois income tax return for any year for which a benefit under this Section is payable or has been paid.

The annual increase shall accrue on each anniversary of the initial pension payment date, for so long as the pension remains payable to the disabled police officer and the required annual application is made, except that the annual increases under this subsection shall cease if the disabled police officer earns income from gainful employment. Within 60 days after accepting an initial application under this subsection, the Fund shall pay to the disabled police officer, in a lump sum without interest, the amounts resulting from the annual increases that have accrued retroactively.

This subsection is not limited to persons in active service on or after its effective date, but it applies only to a pension that is payable under this Section to a disabled police officer (rather than a survivor). Upon the death of the disabled police officer, the annuity payable under this Section to his or her survivors shall include any annual increases previously received, but no additional increases shall accrue under this subsection.

(e) The monthly pension of a police officer who receives a line of duty pension under this Section who was hired on or before January 1, 1979, who received a line of duty benefit on or after January 1, 1993 with at least 14 years of service, and who applies within 6 months after the effective date of this amendatory Act of the 95th General Assembly shall be increased in January of the year following the year he or she attains age 50 by 3% of the original grant of pension for each year he or she received pension payments. In each January thereafter, the police officer shall receive an additional increase of 3% of the original pension.

(Source: P.A. 91-939, eff. 2-1-01.)

Section 90. The State Mandates Act is amended by adding Section 8.32 as follows:

(30 ILCS 805/8.32 new)

Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

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 1432. Having been read by title a second time on April 25, 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 1479. 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 1479 by replacing everything after the enacting clause with the following:

"Section 5. The Fire Sprinkler Contractor Licensing Act is amended by changing Section 5 as follows:
(225 ILCS 317/5)

Sec. 5. Legislative intent. It is declared ~~that that~~ within the State of Illinois there are, and may continue to be, locations where the improper installation or repair of fire sprinkler systems creates conditions that may adversely affect the public health and general welfare. Therefore, the purpose of this Act is to protect, promote, and preserve the public health and general welfare by providing for the establishment of minimum standards for licensure of fire sprinkler installation contractors.

(Source: P.A. 92-871, eff. 1-3-03.)"

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was held on the order of Second Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 1612.

HOUSE BILL 1809. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 1809 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-11 as follows:
(235 ILCS 5/6-11) (from Ch. 43, par. 127)

Sec. 6-11. Sale near churches, schools, and hospitals.

(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on if the place of business so exempted is not located in a municipality of more than 500,000 persons, unless required by local ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(b) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor to a restaurant, the primary business of which is the sale of goods baked on the premises if (i) the restaurant is newly constructed and located on a lot of not less than 10,000 square feet, (ii) the restaurant costs at least \$1,000,000 to construct, (iii) the licensee is the titleholder to the premises and resides on the premises, and (iv) the construction of the restaurant is completed within 18 months of the effective date of this amendatory Act of 1998.

(c) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if (1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant, (2) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and (3) the restaurant is located 75 or more feet from a school.

(d) In the interest of further developing Illinois' economy in the area of commerce, tourism, convention, and banquet business, nothing in this Section shall prohibit issuance of a retail license authorizing the sale of alcoholic beverages to a restaurant, banquet facility, grocery store, or hotel having not fewer than 150

guest room accommodations located in a municipality of more than 500,000 persons, notwithstanding the proximity of such hotel, restaurant, banquet facility, or grocery store to any church or school, if the licensed premises described on the license are located within an enclosed mall or building of a height of at least 6 stories, or 60 feet in the case of a building that has been registered as a national landmark, or in a grocery store having a minimum of 56,010 square feet of floor space in a single story building in an open mall of at least 3.96 acres that is adjacent to a public school that opened as a boys technical high school in 1934, or in a grocery store having a minimum of 31,000 square feet of floor space in a single story building located a distance of more than 90 feet but less than 100 feet from a high school that opened in 1928 as a junior high school and became a senior high school in 1933, and in each of these cases if the sale of alcoholic liquors is not the principal business carried on by the licensee.

For purposes of this Section, a "banquet facility" is any part of a building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

(e) Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

(f) Nothing in this Section shall prohibit a church or church affiliated school located in a home rule municipality or in a municipality with 75,000 or more inhabitants from locating within 100 feet of a property for which there is a preexisting license to sell alcoholic liquor at retail. In these instances, the local zoning authority may, by ordinance adopted simultaneously with the granting of an initial special use zoning permit for the church or church affiliated school, provide that the 100-foot restriction in this Section shall not apply to that church or church affiliated school and future retail liquor licenses.

(g) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at premises within 100 feet, but not less than 90 feet, of a public school if (1) the premises have been continuously licensed to sell alcoholic liquor for a period of at least 50 years, (2) the premises are located in a municipality having a population of over 500,000 inhabitants, (3) the licensee is an individual who is a member of a family that has held the previous 3 licenses for that location for more than 25 years, (4) the principal of the school and the alderman of the ward in which the school is located have delivered a written statement to the local liquor control commissioner stating that they do not object to the issuance of a license under this subsection (g), and (5) the local liquor control commissioner has received the written consent of a majority of the registered voters who live within 200 feet of the premises.

(h) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within premises and at an outdoor patio area attached to premises that are located in a municipality with a population in excess of 300,000 inhabitants and that are within 100 feet of a church if:

- (1) the sale of alcoholic liquor at the premises is incidental to the sale of food,
- (2) the sale of liquor is not the principal business carried on by the licensee at the premises,
- (3) the premises are less than 1,000 square feet,
- (4) the premises are owned by the University of Illinois,
- (5) the premises are immediately adjacent to property owned by a church and are not less than 20 nor more than 40 feet from the church space used for worship services, and
- (6) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing.

(i) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 300,000 inhabitants and is within 100 feet of a church, synagogue, or other place of worship if:

- (1) the primary entrance of the premises and the primary entrance of the church, synagogue, or other place of worship are at least 100 feet apart, on parallel streets, and separated by an alley; and
- (2) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(j) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at a theater that is within 100 feet of a church if (1) the church owns the theater, (2) the church leases the theater to one or more entities, and (3) the theater is used by at least 5 different not-for-profit theater groups.

(k) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit

the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

- (1) the primary entrance of the premises and the primary entrance of the school are parallel, on different streets, and separated by an alley;
- (2) the southeast corner of the premises are at least 350 feet from the southwest corner of the school;
- (3) the school was built in 1978;
- (4) the sale of alcoholic liquor at the premises is incidental to the sale of food;
- (5) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
- (6) the applicant is the owner of the restaurant and has held a valid license authorizing the sale of alcoholic liquor for the business to be conducted on the premises at a different location for more than 7 years; and
- (7) the premises is at least 2,300 square feet and sits on a lot that is between 6,100 and 6,150 square feet.

(l) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a church or school if:

- (1) the primary entrance of the premises and the closest entrance of the church or school is at least 90 feet apart and no greater than 95 feet apart;
- (2) the shortest distance between the premises and the church or school is at least 80 feet apart and no greater than 85 feet apart;
- (3) the applicant is the owner of the restaurant and on November 15, 2006 held a valid license authorizing the sale of alcoholic liquor for the business to be conducted on the premises for at least 14 different locations;
- (4) the sale of alcoholic liquor at the premises is incidental to the sale of food;
- (5) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
- (6) the premises is at least 3,200 square feet and sits on a lot that is between 7,150 and 7,200 square feet; and
- (7) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(m) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a church if:

- (1) the premises and the church are perpendicular, and the primary entrance of the premises faces South while the primary entrance of the church faces East and the distance between the two entrances is more than 100 feet;
 - (2) the shortest distance between the premises lot line and the exterior wall of the church is at least 80 feet;
 - (3) the church was established at the current location in 1916 and the present structure was erected in 1925;
 - (4) the premises is a single story, single use building with at least 1,750 square feet and no more than 2,000 square feet;
 - (5) the sale of alcoholic liquor at the premises is incidental to the sale of food;
 - (6) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
- and
- (7) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(n) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

- (1) the school is a City of Chicago School District 299 school;

(2) the school is located within subarea E of City of Chicago Residential Business Planned Development Number 70;

(3) the sale of alcoholic liquor is not the principal business carried on by the licensee on the premises;

(4) the sale of alcoholic liquor at the premises is incidental to the sale of food; and

(5) the administration of City of Chicago School District 299 has expressed, in writing, its support for the issuance of the license.

(Source: P.A. 94-1103, eff. 2-9-07; 95-331, eff. 8-21-07.)".

Representative Osterman offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 1809, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 9, line 4, by replacing "East" with "West".

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.

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 2170, 2210, 2211 and 2361.

RECALL

At the request of the principal sponsor, Representative Madigan, HOUSE BILL 2361 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

HOUSE BILLS ON SECOND READING

HOUSE BILL 4119. Having been reproduced, was taken up and read by title a second time.

Representative Black offered the following amendments and moved their adoption:

AMENDMENT NO. 1. Amend House Bill 4119, on page 1, line 12, by replacing "attorney," with "attorney admitted to practice in the State of Illinois."

AMENDMENT NO. 2. Amend House Bill 4119 on page 1, line 13, by replacing "clerk" with "court".

The foregoing motions prevailed and Amendments numbered 1 and 2 were 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.

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: HOUSE BILL 3286.

HOUSE BILL 4131. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 4131 by replacing the title with the following:

"AN ACT concerning transportation, which may be referred to as Shib's Law."; and by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 11-213 as follows:

(625 ILCS 5/11-213 new)

Sec. 11-213. Power of a fire department officer; highway or lane closure. In the absence of a law enforcement officer or a representative of the highway agency having jurisdiction over the highway, an officer of a fire department, in the performance of his or her official duties, has the authority to close to traffic a highway, or a lane or lanes of a highway, as necessary to protect the safety of persons or property. In order to promote the safe implementation of this Section, the fire department officer shall utilize an official fire department vehicle with lighted red or white oscillating, rotating, or flashing lights in accordance with subsection (a)(2-4) of Section 12-215 of this Code and proper temporary traffic control in accordance with the sections of the Illinois Manual on Uniform Traffic Control Devices concerning temporary traffic control and incident management. The officer should also receive training in safe practices for accomplishing these tasks near traffic. This Section shall not apply to highways under the jurisdiction of the Illinois State Toll Highway Authority. The term "highway" shall have the meaning defined by Section 1-126 of this 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.

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 4158.

HOUSE BILL 4159. 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 4159 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 10-20.19c and 34-18.15 as follows:

(105 ILCS 5/10-20.19c) (from Ch. 122, par. 10-20.19c)

Sec. 10-20.19c. Recycled paper and paper products and solid waste management.

(a) Definitions. As used in this Section, the following terms shall have the meanings indicated, unless the context otherwise requires:

"Deinked stock" means paper that has been processed to remove inks, clays, coatings, binders and other contaminants.

"High grade printing and writing papers" includes offset printing paper, duplicator paper, writing paper (stationery), tablet paper, office paper, note pads, xerographic paper, envelopes, form bond including computer paper and carbonless forms, book papers, bond papers, ledger paper, book stock and cotton fiber papers.

"Paper and paper products" means high grade printing and writing papers, tissue products, newsprint, unbleached packaging and recycled paperboard.

"Postconsumer material" means only those products generated by a business or consumer which have served their intended end uses, and which have been separated or diverted from solid waste; wastes generated during the production of an end product are excluded.

"Recovered paper material" means paper waste generated after the completion of the papermaking process, such as postconsumer materials, envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls, and mill wrappers, obsolete inventories, and rejected unused stock.

"Recovered paper material", however, does not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls (mill broke), or fibrous byproducts of harvesting, extraction or woodcutting processes, or forest residues such as bark.

"Recycled paperboard" includes paperboard products, folding cartons and pad backings.

"Tissue products" includes toilet tissue, paper towels, paper napkins, facial tissue, paper doilies, industrial wipers, paper bags and brown papers. These products shall also be unscented and shall not be colored.

"Unbleached packaging" includes corrugated and fiber storage boxes.

(a-5) Each school district shall periodically review its procurement procedures and specifications related to the purchase of products and supplies. Those procedures and specifications must be modified as

necessary to require the school district to seek out products and supplies that contain recycled materials and to ensure that purchased products and supplies are reusable, durable, or made from recycled materials, if economically and practically feasible. In selecting products and supplies that contain recycled material, preference must be given to products and supplies that contain the highest amount of recycled material and that are consistent with the effective use of the product or supply, if economically and practically feasible.

(b) Wherever economically and practically feasible, as determined by the school board, the school board, all public schools and attendance centers within a school district, and their school supply stores shall procure recycled paper and paper products as follows:

(1) Beginning July 1, ~~2008~~ ~~1992~~, at least 10% of the total dollar value of paper and paper products purchased by school boards, public schools and attendance centers, and their school supply stores shall be recycled paper and paper products. ;

(2) Beginning July 1, ~~2011~~ ~~1995~~, at least 25% of the total dollar value of paper and paper products purchased by school boards, public schools and attendance centers, and their school supply stores shall be recycled paper and paper products. ;

(3) Beginning July 1, ~~2014~~ ~~1999~~, at least ~~50%~~ ~~40%~~ of the total dollar value of paper and paper products purchased by school boards, public schools and attendance centers, and their school supply stores shall be recycled paper and paper products. ;

(4) Beginning July 1, ~~2020~~ ~~2004~~, at least ~~75%~~ ~~50%~~ of the total dollar value of paper and paper products purchased by school boards, public schools and attendance centers, and their school supply stores shall be recycled paper and paper products. ;

(5) Beginning upon the effective date of this amendatory Act of 1992, all paper purchased by the board of education, public schools and attendance centers for publication of student newspapers shall be recycled newsprint. The amount purchased shall not be included in calculating the amounts specified in paragraphs (1) through (4).

(c) Paper and paper products purchased from private sector vendors pursuant to printing contracts are not considered paper and paper products for the purposes of subsection (b), unless purchased under contract for the printing of student newspapers.

(d)(1) Wherever economically and practically feasible, the recycled paper and paper products referred to in subsection (b) shall contain postconsumer or recovered paper materials as specified by paper category in this subsection:

(i) Recycled high grade printing and writing paper shall contain at least 50% recovered paper material. Such recovered paper material, until July 1, ~~2008~~ ~~1994~~, shall consist of at least 20% deinked stock or postconsumer material; and beginning July 1, ~~2008~~ ~~1994~~, shall consist of at least 25% deinked stock or postconsumer material; and beginning July 1, ~~2010~~ ~~1996~~, shall consist of at least 30% deinked stock or postconsumer material; and beginning July 1, ~~2012~~ ~~1998~~, shall consist of at least 40% deinked stock or postconsumer material; and beginning July 1, ~~2014~~ ~~2000~~, shall consist of at least 50% deinked stock or postconsumer material.

(ii) Recycled tissue products, until July 1, 1994, shall contain at least 25% postconsumer material; and beginning July 1, 1994, shall contain at least 30% postconsumer material; and beginning July 1, 1996, shall contain at least 35% postconsumer material; and beginning July 1, 1998, shall contain at least 40% postconsumer material; and beginning July 1, 2000, shall contain at least 45% postconsumer material.

(iii) Recycled newsprint, until July 1, 1994, shall contain at least 40% postconsumer material; and beginning July 1, 1994, shall contain at least 50% postconsumer material; and beginning July 1, 1996, shall contain at least 60% postconsumer material; and beginning July 1, 1998, shall contain at least 70% postconsumer material; and beginning July 1, 2000, shall contain at least 80% postconsumer material.

(iv) Recycled unbleached packaging, until July 1, 1994, shall contain at least 35% postconsumer material; and beginning July 1, 1994, shall contain at least 40% postconsumer material; and beginning July 1, 1996, shall contain at least 45% postconsumer material; and beginning July 1, 1998, shall contain at least 50% postconsumer material; and beginning July 1, 2000, shall contain at least 55% postconsumer material.

(v) Recycled paperboard, until July 1, 1994, shall contain at least 80% postconsumer material; and beginning July 1, 1994, shall contain at least 85% postconsumer material; and beginning July 1, 1996, shall contain at least 90% postconsumer material; and beginning July 1, 1998, shall contain at least 95% postconsumer material.

(2) For the purposes of this Section, "postconsumer material" includes:

- (i) paper, paperboard, and fibrous waste from retail stores, office buildings, homes and so forth, after the waste has passed through its end usage as a consumer item, including used corrugated boxes, old newspapers, mixed waste paper, tabulating cards, and used cordage; and
- (ii) all paper, paperboard, and fibrous wastes that are diverted or separated from the municipal waste stream.

(3) For the purposes of this Section, "recovered paper material" includes:

- (i) postconsumer material;
- (ii) dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets), including envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming and other converting operations, or from bag, box and carton manufacturing, and butt rolls, mill wrappers, and rejected unused stock; and
- (iii) finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters or others.

(e) Nothing in this Section shall be deemed to apply to art materials, nor to any newspapers, magazines, text books, library books or other copyrighted publications which are purchased or used by any school board or any public school or attendance center within a school district, or which are sold in any school supply store operated by or within any such school or attendance center, other than newspapers written, edited or produced by students enrolled in the school district, public school or attendance center.

(e-5) Before July 1, 2010, each school board shall develop a comprehensive waste reduction plan covering a period of 15 years that addresses the management of solid waste generated by academic, administrative, and other institutional functions. This comprehensive waste reduction plan must be updated by the school district every 5 years.

The comprehensive waste reduction plan shall provide for recycling of marketable materials that are present in the school district's waste stream at the time the plan is developed or updated, including without limitation landscape waste, corrugated cardboard, computer paper, and white office paper. The plan shall also provide for the investigation of potential markets for other recyclable materials that are present in the school district's waste stream. The recycling provisions of the comprehensive waste reduction plan must be designed to achieve, before July 1, 2020, at least a 50% reduction in the amount of solid waste that is generated by the school district and identified by the plan as being subject to landfill disposal.

(f) The State Board of Education, in coordination with the Departments of Central Management Services and Commerce and Economic Opportunity, may adopt such rules and regulations as it deems necessary to assist districts in carrying out the provisions of this Section.

(Source: P.A. 94-793, eff. 5-19-06.)

(105 ILCS 5/34-18.15) (from Ch. 122, par. 34-18.15)

Sec. 34-18.15. Recycled paper and paper products and solid waste management.

(a) Definitions. As used in this Section, the following terms shall have the meanings indicated, unless the context otherwise requires:

"Deinked stock" means paper that has been processed to remove inks, clays, coatings, binders and other contaminants.

"High grade printing and writing papers" includes offset printing paper, duplicator paper, writing paper (stationery), tablet paper, office paper, note pads, xerographic paper, envelopes, form bond including computer paper and carbonless forms, book papers, bond papers, ledger paper, book stock and cotton fiber papers.

"Paper and paper products" means high grade printing and writing papers, tissue products, newsprint, unbleached packaging and recycled paperboard.

"Postconsumer material" means only those products generated by a business or consumer which have served their intended end uses, and which have been separated or diverted from solid waste; wastes generated during the production of an end product are excluded.

"Recovered paper material" means paper waste generated after the completion of the papermaking process, such as postconsumer materials, envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls, and mill wrappers, obsolete inventories, and rejected unused stock. "Recovered paper material", however, does not include fibrous waste generated during the manufacturing process as fibers recovered from waste water or trimmings of paper machine rolls (mill broke), or fibrous byproducts of harvesting, extraction or woodcutting processes, or forest residues such as bark.

"Recycled paperboard" includes paperboard products, folding cartons and pad backings.

"Tissue products" includes toilet tissue, paper towels, paper napkins, facial tissue, paper doilies, industrial wipers, paper bags and brown papers. These products shall also be unscented and shall not be colored.

"Unbleached packaging" includes corrugated and fiber storage boxes.

(a-5) The school district shall periodically review its procurement procedures and specifications related to the purchase of products and supplies. Those procedures and specifications must be modified as necessary to require the school district to seek out products and supplies that contain recycled materials and to ensure that purchased products and supplies are reusable, durable, or made from recycled materials, if economically and practically feasible. In selecting products and supplies that contain recycled material, preference must be given to products and supplies that contain the highest amount of recycled material and that are consistent with the effective use of the product or supply, if economically and practically feasible.

(b) Wherever economically and practically feasible, as determined by the board of education, the board of education, all public schools and attendance centers within the school district, and their school supply stores shall procure recycled paper and paper products as follows:

(1) Beginning July 1, ~~2008~~ ~~1992~~, at least 10% of the total dollar value of paper and paper products purchased by the board of education, public schools and attendance centers, and their school supply stores shall be recycled paper and paper products. ;

(2) Beginning July 1, ~~2011~~ ~~1995~~, at least 25% of the total dollar value of paper and paper products purchased by the board of education, public schools and attendance centers, and their school supply stores shall be recycled paper and paper products. ;

(3) Beginning July 1, ~~2014~~ ~~1999~~, at least ~~50%~~ 40% of the total dollar value of paper and paper products purchased by the board of education, public schools and attendance centers, and their school supply stores shall be recycled paper and paper products. ;

(4) Beginning July 1, ~~2020~~ ~~2001~~, at least ~~75%~~ 50% of the total dollar value of paper and paper products purchased by the board of education, public schools and attendance centers, and their school supply stores shall be recycled paper and paper products. ;

(5) Beginning upon the effective date of this amendatory Act of 1992, all paper purchased by the board of education, public schools and attendance centers for publication of student newspapers shall be recycled newsprint. The amount purchased shall not be included in calculating the amounts specified in paragraphs (1) through (4).

(c) Paper and paper products purchased from private sector vendors pursuant to printing contracts are not considered paper and paper products for the purposes of subsection (b), unless purchased under contract for the printing of student newspapers.

(d)(1) Wherever economically and practically feasible, the recycled paper and paper products referred to in subsection (b) shall contain postconsumer or recovered paper materials as specified by paper category in this subsection:

(i) Recycled high grade printing and writing paper shall contain at least 50% recovered paper material. Such recovered paper material, until July 1, ~~2008~~ ~~1994~~, shall consist of at least 20% deinked stock or postconsumer material; and beginning July 1, ~~2008~~ ~~1994~~, shall consist of at least 25% deinked stock or postconsumer material; and beginning July 1, ~~2010~~ ~~1996~~, shall consist of at least 30% deinked stock or postconsumer material; and beginning July 1, ~~2012~~ ~~1998~~, shall consist of at least 40% deinked stock or postconsumer material; and beginning July 1, ~~2014~~ ~~2000~~, shall consist of at least 50% deinked stock or postconsumer material.

(ii) Recycled tissue products, until July 1, 1994, shall contain at least 25% postconsumer material; and beginning July 1, 1994, shall contain at least 30% postconsumer material; and beginning July 1, 1996, shall contain at least 35% postconsumer material; and beginning July 1, 1998, shall contain at least 40% postconsumer material; and beginning July 1, 2000, shall contain at least 45% postconsumer material.

(iii) Recycled newsprint, until July 1, 1994, shall contain at least 40% postconsumer material; and beginning July 1, 1994, shall contain at least 50% postconsumer material; and beginning July 1, 1996, shall contain at least 60% postconsumer material; and beginning July 1, 1998, shall contain at least 70% postconsumer material; and beginning July 1, 2000, shall contain at least 80% postconsumer material.

(iv) Recycled unbleached packaging, until July 1, 1994, shall contain at least 35% postconsumer material; and beginning July 1, 1994, shall contain at least 40% postconsumer material; and beginning July 1, 1996, shall contain at least 45% postconsumer material; and beginning July 1, 1998, shall contain at least 50% postconsumer material; and beginning July 1, 2000, shall contain at least

55% postconsumer material.

(v) Recycled paperboard, until July 1, 1994, shall contain at least 80% postconsumer material; and beginning July 1, 1994, shall contain at least 85% postconsumer material; and beginning July 1, 1996, shall contain at least 90% postconsumer material; and beginning July 1, 1998, shall contain at least 95% postconsumer material.

(2) For the purposes of this Section, "postconsumer material" includes:

(i) paper, paperboard, and fibrous waste from retail stores, office buildings, homes and so forth, after the waste has passed through its end usage as a consumer item, including used corrugated boxes, old newspapers, mixed waste paper, tabulating cards, and used cordage; and

(ii) all paper, paperboard, and fibrous wastes that are diverted or separated from the municipal waste stream.

(3) For the purpose of this Section, "recovered paper material" includes:

(i) postconsumer material;

(ii) dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets), including envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming and other converting operations, or from bag, box and carton manufacturing, and butt rolls, mill wrappers, and rejected unused stock; and

(iii) finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters or others.

(e) Nothing in this Section shall be deemed to apply to art materials, nor to any newspapers, magazines, text books, library books or other copyrighted publications which are purchased or used by the board of education or any public school or attendance center within the school district, or which are sold in any school supply store operated by or within any such school or attendance center, other than newspapers written, edited or produced by students enrolled in the school district, public school or attendance center.

(e-5) Before July 1, 2010, the board shall develop a comprehensive waste reduction plan covering a period of 15 years that addresses the management of solid waste generated by academic, administrative, and other institutional functions. This comprehensive waste reduction plan must be updated by the school district every 5 years.

The comprehensive waste reduction plan shall provide for recycling of marketable materials that are present in the school district's waste stream at the time the plan is developed or updated, including without limitation landscape waste, corrugated cardboard, computer paper, and white office paper. The plan shall also provide for the investigation of potential markets for other recyclable materials that are present in the school district's waste stream. The recycling provisions of the comprehensive waste reduction plan must be designed to achieve, before July 1, 2020, at least a 50% reduction in the amount of solid waste that is generated by the school district and identified by the plan as being subject to landfill disposal.

(f) The State Board of Education, in coordination with the Departments of Central Management Services and Commerce and Economic Opportunity, may adopt such rules and regulations as it deems necessary to assist districts in carrying out the provisions of this Section.

(Source: P.A. 94-793, eff. 5-19-06.)

Section 90. The State Mandates Act is amended by adding Section 8.32 as follows:

(30 ILCS 805/8.32 new)

Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

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

Representative Bassi offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4159, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, as follows:

on page 8, by replacing lines 8 through 26 with the following:

"(e-5) Each school district shall periodically review its procedures on solid waste reduction regarding the management of solid waste generated by academic, administrative, and other institutional functions. Those waste reduction procedures must be designed to, when economically and practicable feasible, recycle the school district's waste stream, including without limitation landscape waste, computer paper, and white

office paper. School districts are encouraged to have procedures that provide for the investigation of potential markets for other recyclable materials that are present in the school district's waste stream. The waste reduction procedures must be designed to achieve, before July 1, 2020, at least a 50% reduction in the amount of solid waste that is generated by the school district."; and

by replacing line 26 on page 15 through line 18 on page 16 with the following:

"(e-5) The school district shall periodically review its procedures on solid waste reduction regarding the management of solid waste generated by academic, administrative, and other institutional functions. Those waste reduction procedures must be designed to, when economically and practicable feasible, recycle the school district's waste stream, including without limitation landscape waste, computer paper, and white office paper. The school district is encouraged to have procedures that provide for the investigation of potential markets for other recyclable materials that are present in the school district's waste stream. The waste reduction procedures must be designed to achieve, before July 1, 2020, at least a 50% reduction in the amount of solid waste that is generated by the school district."

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 4165. 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 4165 on page 6, by inserting immediately below line 22 the following:

"(c) Notwithstanding any other provision of this Act to the contrary, a person convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act may not renew his or her Illinois Identification Card or Illinois Disabled Person Identification Card by telephone, mail, or the Internet."

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 4172. 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 4172 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Section 3.135 as follows:

(415 ILCS 5/3.135) (was 415 ILCS 5/3.94)

Sec. 3.135. Coal combustion by-product; CCB.

(a) "Coal combustion by-product" (CCB) means coal combustion waste when used beneficially in any of the following ways:

(1) The extraction or recovery of material compounds contained within CCB.

(2) The use of CCB as a raw ingredient or mineral filler in the manufacture of the following commercial products: cement; concrete and concrete mortars; cementitious products including block, pipe and precast/prestressed components; asphalt or cementitious roofing products; plastic products including pipes and fittings; paints and metal alloys; kiln fired products including bricks, blocks, and tiles; abrasive media; gypsum wallboard; asphaltic concrete, or asphalt based paving material.

(3) CCB used (A) in accordance with the Illinois Department of Transportation ("IDOT") standard specifications and subsection (a-5) of this Section or (B) under the approval of the Department of Transportation for IDOT projects.

(4) Bottom ash used as antiskid material, athletic tracks, or foot paths.

(5) Use in the stabilization or modification of soils providing the CCB meets the IDOT specifications for soil modifiers.

- (6) CCB used as a functionally equivalent substitute for agricultural lime as a soil conditioner.
- (7) Bottom ash used in non-IDOT pavement sub-base or base, pipe bedding, or foundation backfill.

(8) Structural fill, when used in an engineered application or combined with cement, sand, or water to produce a controlled strength fill material and covered with 12 inches of soil, within 30 days after the final placement and completion of the structural fill project or if the project becomes inactive for more than 90 days, unless infiltration is prevented by the material itself or other suitable cover material. CCB may be used under this item (8) only if the structural fill is located no less than 250 feet from any active or operating downgradient well being used as a residential or municipal potable water source.

Within 3 months after notification to the Agency under item (C) of subsection (a-5) of this Section, the Agency must inspect the structural fill project to ensure that the cover requirements of this item (8) are satisfied for each project involving the use of coal combustion waste as structural fill.

(9) Mine subsidence, mine fire control, mine sealing, and mine reclamation.

(a-5) Except to the extent that the uses are otherwise authorized by law without such restrictions, the uses specified in items (a)(3)(A) and (a)(7) through (9) shall be subject to the following conditions:

(A) CCB shall not have been mixed with hazardous waste prior to use.

(B) CCB shall not exceed Class I Groundwater Standards for metals when tested utilizing test method ASTM D3987-85. The sample or samples tested shall be representative of the CCB being considered for use.

(C) Unless otherwise exempted, users of CCB for the purposes described in items (a)(3)(A) and (a)(7) through (9) of this Section shall provide notification to the Agency for each project utilizing CCB documenting the quantity of CCB utilized and certification of compliance with conditions (A) and (B) of this subsection. Notification shall not be required for users of CCB for purposes described in items (a)(1), (a)(2), (a)(3)(B), (a)(4), (a)(5) and (a)(6) of this Section, or as required specifically under a beneficial use determination as provided under this Section, or pavement base, parking lot base, or building base projects utilizing less than 10,000 tons, flowable fill/grout projects utilizing less than 1,000 cubic yards or other applications utilizing less than 100 tons.

(D) Fly ash shall be managed in a manner that minimizes the generation of airborne particles and dust using techniques such as moisture conditioning, granulating, inground application, or other demonstrated method.

(E) CCB is not to be accumulated speculatively. CCB is not accumulated speculatively if during the calendar year, the CCB used is equal to 75% of the CCB by weight or volume accumulated at the beginning of the period.

(F) CCB shall include any prescribed mixture of fly ash, bottom ash, boiler slag, flue gas desulfurization scrubber sludge, fluidized bed combustion ash, and stoker boiler ash and shall be tested as intended for use.

(b) To encourage and promote the utilization of CCB in productive and beneficial applications, upon request by the applicant, the Agency shall make a written beneficial use determination that coal-combustion waste is CCB when used in a manner other than those uses specified in subsection (a) of this Section if the applicant demonstrates that use of the coal-combustion waste satisfies all of the following criteria: the use will not cause, threaten, or allow the discharge of any contaminant into the environment; the use will otherwise protect human health and safety and the environment; and the use constitutes a legitimate use of the coal-combustion waste as an ingredient or raw material that is an effective substitute for an analogous ingredient or raw material.

Notwithstanding the criteria set forth in this subsection (b), the Agency's beneficial use determinations may allow the uses set forth in items (a)(3)(A) and (a)(7) through (9) of this Section without the CCB being subject to the restrictions set forth in subdivisions (a-5)(B) and (a-5)(E) of this Section.

Within 90 days after the receipt of an application for a beneficial use determination under this subsection (b), the Agency shall, in writing, approve, disapprove, or approve with conditions the beneficial use. Any disapproval or approval with conditions shall include the Agency's reasons for the disapproval or conditions. Failure of the Agency to issue a decision within 90 days shall constitute disapproval of the beneficial use request. These beneficial use determinations are subject to review under Section 40 of this Act.

Any approval of a beneficial use under this subsection (b) shall become effective upon the date of the

Agency's written decision and remain in effect for a period of 5 years. If an applicant desires to continue a beneficial use after the expiration of the 5-year period, the applicant must submit an application for renewal no later than 90 days prior to the expiration. The beneficial use approval shall be automatically extended unless denied by the Agency in writing with the Agency's reasons for disapproval, or unless the Agency has requested an extension for review, in which case the use will continue to be allowed until an Agency determination is made.

Coal-combustion waste for which a beneficial use is approved pursuant to this subsection (b) shall be considered CCB during the effective period of the approval, and the continued approval upon renewal may not be denied by the Agency as long as it is used in accordance with the approval and any conditions. Any determination under this subsection (b) is subject to review under Section 40 of this Act.

Notwithstanding the other provisions of this subsection (b), written beneficial use determination applications for the use of CCB at sites governed by the federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder, or by any law or rule or regulation adopted by the State of Illinois pursuant thereto, shall be reviewed and approved by the Office of Mines and Minerals within the Department of Natural Resources pursuant to 62 Ill. Adm. Code §§ 1700-1850. Further, appeals of those determinations shall be made pursuant to the Illinois Administrative Review Law.

The Board shall adopt rules establishing standards and procedures for the Agency's issuance of beneficial use determinations under this subsection (b). The Board rules may also, but are not required to, include standards and procedures for the revocation of the beneficial use determinations. Prior to the effective date of Board rules adopted under this subsection (b), the Agency is authorized to make beneficial use determinations in accordance with this subsection (b). No later than January 31, 2009, the Governor, in coordination with the Agency and the Board, must propose rules concerning the use of CCB under item (8) of subsection (a). These proposed rules must include specific guidelines for the use of CCB as structural fill and a site-approval process. Agency approval, however, is not required for structural fill projects if that project uses less than 10,000 tons of CCB material or if the fill material meets the ASTM D3987-85 standards for Class 1 Groundwater. The proposed rules for a site-approval process must include, along with other permits that may be required, (i) specific timeframes for Agency approval and (ii) informal consultation with the Department of Natural Resources on whether the structural fill project will harm any endangered species. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. The Governor shall propose rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those proposed rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

The Agency is authorized to prepare and distribute guidance documents relating to its administration of this Section. Guidance documents prepared under this subsection are not rules for the purposes of the Illinois Administrative Procedure Act.

(c) In addition to the other penalties and remedies provided in this Act, any person harmed by a violation of item (8) of subsection (a) of this Section may bring a civil action in the circuit court of the county of that person's residence for damages or other appropriate legal or equitable remedies against the violator.

(Source: P.A. 94-66, eff. 1-1-06.)"

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 4176 and 4178.

HOUSE BILL 4179. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 4179 as follows:
on page 6, immediately below line 8, by inserting the following:

"Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."; and
on page 18, immediately below line 13, by inserting the following:

"Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.".

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 4192.

HOUSE BILL 4203. 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 4203 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-907 as follows:

(625 ILCS 5/11-907) (from Ch. 95 1/2, par. 11-907)

Sec. 11-907. Operation of vehicles and streetcars on approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this Code or a police vehicle properly and lawfully making use of an audible or visual signal,

(1) the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall, if necessary to permit the safe passage of the emergency vehicle, stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer and

(2) the operator of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(b) This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(c) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights or amber or yellow warning lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

As used in this subsection (c), "authorized emergency vehicle" includes any vehicle authorized by law to be equipped with oscillating, rotating, or flashing lights under Section 12-215 of this Code, while the owner or operator of the vehicle is engaged in his or her official duties.

(d) A person who violates subsection (c) of this Section commits a business offense punishable by a fine of not less than \$100 or more than \$10,000. It is a factor in aggravation if the person committed the offense while in violation of Section 11-501 of this Code. If a violation of subsection (c) of this Section results in the death of another person, the court may either consider the offense as a business offense punishable by a fine of not less than \$100 nor more than \$10,000 or as a Class A misdemeanor and, in addition to any other penalty imposed, the person's driving privileges shall be suspended for 2 years. Imposition of the penalties authorized by this subsection (d) for a violation of subsection (c) of this Section that results in the death of another person does not preclude imposition of appropriate additional civil or criminal penalties.

(e) If a violation of subsection (c) of this Section results in damage to the property of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 90 days and not more than one year.

(f) If a violation of subsection (c) of this Section results in injury to another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 180 days and not more than 2 years.

~~(g) (Blank) If a violation of subsection (c) of this Section results in the death of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for 2 years.~~

(h) The Secretary of State shall, upon receiving a record of a judgment entered against a person under subsection (c) of this Section:

(1) suspend the person's driving privileges for the mandatory period; or

(2) extend the period of an existing suspension by the appropriate mandatory period.

(Source: P.A. 92-283, eff. 1-1-02; 92-872, eff. 6-1-03; 93-173, eff. 7-11-03; 93-705, eff. 7-9-04.)"

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 BILLS ON SECOND READING

HOUSE BILL 4209. Having been recalled on March 4, 2008, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

HOUSE BILL 4220. Having been reproduced, was taken up and read by title a second time. Representative Munson offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 4220 on page 11, below line 17, by inserting the following:

"(h) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If,

however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."; and

on page 12, below line 16, by inserting the following:

"(d) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 4221. 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 4221 on page 2, by replacing lines 7 through 11 with the following:

"(c-1) Any person who rents a motor vehicle to another shall ensure that the person to whom the vehicle is rented is provided with an emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries, including the ability to provide the caller with the telephone number of the location from which the vehicle was rented, if requested by the caller. If an owner's manual is not available in the vehicle at the time or the rental, an owner's manual for that vehicle or a similar model shall be accessible by the personnel answering the emergency telephone number for assistance with inquiries about the operation of the vehicle."

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 4225. 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 4225 as follows:
on page 3, line 10, by replacing "(i) arising" with "(i) if arising solely"; and

on page 3, line 12, by replacing "arising" with "if arising solely"; and
on page 3, line 14, by replacing "authorized" with "as per statutory requirements".

Representative Eddy offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4225 on page 3, line 19, by replacing "exists. If the" with the following:

"exists. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

If the"; and
on page 3, line 23, by replacing "located. The" with the following:
"located.
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.

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 4229.

HOUSE BILL 4232. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Elementary & Secondary Education, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4232 by replacing everything after the enacting clause with the following:

"Section 3. The Governor's Office of Management and Budget Act is amended by changing Section 6 as follows:

(20 ILCS 3005/6) (from Ch. 127, par. 416)

Sec. 6. In performing its responsibility under Section 2.1, to assist the Governor in submitting a recommended budget, the Office shall:

(a) Distribute to all state agencies the proper blanks necessary to the preparation of budget estimates, which blanks shall be in such form as shall be prescribed by the Director, to procure, among other things, information as to the revenues and expenditures for the preceding fiscal year, the appropriations made by the General Assembly for the preceding fiscal year, the expenditures therefrom, obligations incurred thereon, and the amounts unobligated and unexpended, an estimate of the revenues and expenditures of the current fiscal year, and an estimate of the revenues and amounts needed for the respective departments and offices for the next succeeding fiscal year.

(b) Require from each state agency its estimate of receipts and expenditures for the succeeding fiscal year, accompanied by a statement in writing giving facts and explanation of reasons for each item of expenditure requested. Anything submitted by the State Board of Education to the Governor or the

Governor's Office of Management and Budget under this Act must also be submitted simultaneously to the General Assembly by filing a copy with the Secretary of the Senate and the Clerk of the House of Representatives.

(c) Make, at the discretion of the Director, further inquiries and investigations as to any item desired.

(d) Approve, disapprove or alter the estimates.

(Source: P.A. 93-25, eff. 6-20-03.)

Section 5. The School Code is amended by changing Sections 1A-1, 1A-2, 1A-2.1, and 1A-4 and by adding Sections 1A-12 and 1A-13 as follows:

(105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

Sec. 1A-1. Members and terms.

(a) (Blank).

(a-5) In this Section, "ex parte communication" means any written or oral communication by any person that imparts or requests material information or makes a material argument regarding potential action concerning regulatory, quasi regulatory, investment, or licensing matters pending before or under consideration by the State Board of Education. "Ex parte communication" does not include (i) statements by a person publicly made in a public forum, (ii) statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter, and (iii) statements made by an employee of the State Board of Education to the agency head of the State Board of Education or to other employees of the State Board of Education.

(a-10) The term of each member of the State Board of Education who is in office on the effective date of this amendatory Act of the 95th General Assembly shall terminate when all of the new members initially to be appointed under this amendatory Act of the 95th General Assembly have taken office. Persons whose terms are terminated under this subsection (a-10) may be reappointed to serve on the State Board of Education under subsection (b) of this Section.

(b) The State Board of Education shall consist of 8 members and a chairperson, who shall be appointed, with the advice and consent of the Senate, by the Governor with the assistance of a Nomination Panel or by a Nomination Panel if the Governor does not act within the 30 days allotted, as provided in subsection (c-5) of this Section, with the advice and consent of the Senate from a pattern of regional representation as follows: 2 appointees shall be selected from among those counties of the State other than Cook County and the 5 counties contiguous to Cook County; 2 appointees shall be selected from Cook County, one of whom shall be a resident of the City of Chicago and one of whom shall be a resident of that part of Cook County which lies outside the city limits of Chicago; 2 appointees shall be selected from among the 5 counties of the State that are contiguous to Cook County; and 3 members shall be selected as members-at-large (one of which shall be the chairperson). With respect to these appointments, one member of the State Board of Education must be a former school board member, one member must be a former district superintendent, one member must be a former teacher, and one member must have significant business experience. The Governor who takes office on the second Monday of January after his or her election shall be the person who appoints nominates members to fill vacancies whose terms begin after that date and before the term of the next Governor begins.

The members of the State Board of Education initially appointed under this amendatory Act of the 95th General Assembly shall serve for the following terms:

(1) The member of the State Board of Education from Cook County who is not a resident of the City of Chicago shall serve for a term that expires on the second Wednesday of January, 2010 and until his or her successor is appointed and has qualified.

(2) One of the members of the State Board of Education from a county other than Cook County and the 5 counties continuous to Cook County, as determined by lot, shall serve for a term that expires on the second Wednesday of January, 2010 and until his or her successor is appointed and has qualified.

(3) One of the members-at-large who is not the chairperson, as determined by lot, shall serve for a term that expires on the second Wednesday of January, 2010 and until his or her successor is appointed and has qualified.

(4) The member of the State Board of Education who is a resident of the City of Chicago shall serve for a term that expires on the second Wednesday of January, 2012 and until his or her successor is appointed and has qualified.

(5) One of the members of the State Board of Education from any one of the 5 counties of the State that are contiguous to Cook County, as determined by lot, shall serve for a term that expires on the second Wednesday of January, 2012 and until his or her successor is appointed and has qualified.

(6) The other member-at-large who is not the chairperson shall serve for a term that expires on the

second Wednesday of January, 2012 and until his or her successor is appointed and has qualified.

(7) The other member of the State Board of Education who is from a county other than Cook County and the 5 counties continuous to Cook County shall serve for a term that expires on the second Wednesday of January, 2014 and until his or her successor is appointed and has qualified.

(8) The other member of the State Board of Education who is from any one of the 5 counties of the State that are contiguous to Cook County shall serve for a term that expires on the second Wednesday of January, 2014 and until his or her successor is appointed and has qualified.

(9) The member of the State Board of Education who is the chairperson shall serve for a term that expires on the second Wednesday of January, 2014 and until his or her successor is appointed and has qualified.

~~The term of each member of the State Board of Education whose term expires on January 12, 2005 shall instead terminate on the effective date of this amendatory Act of the 93rd General Assembly. Of these 3 seats, (i) the member initially appointed pursuant to this amendatory Act of the 93rd General Assembly whose seat was vacant on April 27, 2004 shall serve until the second Wednesday of January, 2009 and (ii) the other 2 members initially appointed pursuant to this amendatory Act of the 93rd General Assembly shall serve until the second Wednesday of January, 2007.~~

~~The term of the member of the State Board of Education whose seat was vacant on April 27, 2004 and whose term expires on January 10, 2007 shall instead terminate on the effective date of this amendatory Act of the 93rd General Assembly. The member initially appointed pursuant to this amendatory Act of the 93rd General Assembly to fill this seat shall be the chairperson and shall serve until the second Wednesday of January, 2007.~~

~~The term of the member of the State Board of Education whose seat was vacant on May 28, 2004 but after April 27, 2004 and whose term expires on January 10, 2007 shall instead terminate on the effective date of this amendatory Act of the 93rd General Assembly. The member initially appointed pursuant to this amendatory Act of the 93rd General Assembly to fill this seat shall serve until the second Wednesday of January, 2007.~~

~~The term of the other member of the State Board of Education whose term expires on January 10, 2007 shall instead terminate on the effective date of this amendatory Act of the 93rd General Assembly. The member initially appointed pursuant to this amendatory Act of the 93rd General Assembly to fill this seat shall serve until the second Wednesday of January, 2007.~~

~~The term of the member of the State Board of Education whose term expires on January 14, 2009 and who was selected from among the 5 counties of the State that are contiguous to Cook County and is a resident of Lake County shall instead terminate on the effective date of this amendatory Act of the 93rd General Assembly. The member initially appointed pursuant to this amendatory Act of the 93rd General Assembly to fill this seat shall serve until the second Wednesday of January, 2009.~~

~~Upon expiration of the terms of the members initially appointed under this amendatory Act of the 95th 93rd General Assembly and members whose terms were not terminated by this amendatory Act of the 93rd General Assembly, their respective successors shall be appointed for terms of 6 4 years, from the second Wednesday in January of each odd-numbered year and until their respective successors are appointed and qualified.~~

~~(c) At Of the 4 members, excluding the chairperson, whose terms expire on the second Wednesday of January, 2007 and every 4 years thereafter, one of those members must be an at large member and at no time may more than 5 2 of those members of the State Board of Education be from one political party. Of the 4 members whose terms expire on the second Wednesday of January, 2009 and every 4 years thereafter, one of those members must be an at large member and at no time may more than 2 of those members be from one political party. Party membership is defined as having voted in the primary of the party in the last primary before appointment.~~

(c-5) The Nomination Panel is established to provide a list of nominees to the Governor for appointment to the State Board of Education. Members of the Nomination Panel must be appointed by majority vote of the following appointing authorities: the Governor, the Attorney General, and the Secretary of State. Each member of the Nomination Panel shall serve for a term that expires on January 15 of each even-numbered year and until his or her successor is appointed and has qualified. The appointing authorities may hold as many public or non-public meetings as is required to fulfill their duties and may utilize their respective staff and budget in carrying out their duties, provided that the final vote on appointees to the Nomination Panel shall take place in a meeting governed by the Open Meetings Act. Any ex parte communications regarding the Nomination Panel must be made a part of the record at the next public meeting and part of a written record. The appointing authorities shall file a list of members of the Nomination Panel with the Secretary of

State within 30 days after the effective date of this amendatory Act of the 95th General Assembly. Thereafter, the appointing authorities shall file a list of members of the Nomination Panel with the Secretary of State within 30 days after January 15 of each even-numbered year. Members of the Nomination Panel may be reappointed. A vacancy on the Nomination Panel due to disqualification or resignation must be filled within 30 days after the vacancy, and the appointing authorities must file the name of the new appointee with the Secretary of State.

The Nomination Panel shall consist of the following 7 members:

- (1) Two members must be former district superintendents.
- (2) One member must be a former elementary school teacher.
- (3) One member must be a former secondary school teacher.
- (4) Two members must be former State legislators with significant experience and involvement in the elementary and secondary education appropriation process.
- (5) One member must have at least 5 years of experience with a nonprofit agency in this State that is committed to education advocacy and has an interest in education reform.

The appointing authorities shall solicit recommendations from the Illinois Education Association, the Illinois Federation of Teachers, the Illinois Statewide School Management Alliance, ED-RED, the Illinois Association of Regional Superintendents of Schools, the Metropolitan Planning Council, the Illinois PTA, the Civic Committee of the Commercial Club of Chicago, Voices for Illinois Children, Action for Children, the Legislative Education Network of DuPage County (LEND), the South Cooperative Organization for Public Education (SCOPE), A+ Illinois, the Ounce of Prevention Fund, the Illinois Business Roundtable, and any other source deemed appropriate. Each member of the Nomination Panel shall receive \$300 for each day the Nomination Panel meets.

At no time may more than 4 members of the Nomination Panel be from one political party. Party membership is defined as having voted in the primary of the party in the last primary before appointment.

Candidates for nomination to the State Board of Education may apply or be nominated. The Nomination Panel has 30 days after it is established to accept applications and nominations. All candidates must fill out a written application and submit to a background investigation to be eligible for consideration. The written application must include a sworn statement signed by the candidate disclosing any communications relating to the regulation of elementary and secondary education that the applicant has engaged in within the last year with a constitutional officer, a member of the General Assembly, an officer or other employee of the executive branch of this State, or an employee of the legislative branch of this State.

A person who provides false or misleading information on the application or fails to disclose a communication required to be disclosed in the sworn statement under this Section is guilty of a Class 3 felony.

Once an application is submitted to the Nomination Panel and until (i) the candidate is rejected by the Nomination Panel, (ii) the candidate is rejected by the Governor, (iii) the candidate is rejected by the Senate, or (iv) the candidate is confirmed by the Senate, whichever is applicable, a candidate may not engage in ex parte communications.

Within 60 days after the Nomination Panel is established, the Nomination Panel must review written applications, determine eligibility for oral interviews, confirm satisfactory background investigations, and hold public hearings on qualifications of candidates. Initial interviews of candidates need not be held in meetings subject to the Open Meetings Act; members or staff may arrange for informal interviews. Prior to recommendation, however, the Nomination Panel must question candidates under oath in a meeting subject to the Open Meetings Act.

The Nomination Panel must recommend 27 nominees for appointment to the State Board of Education within 60 days after the Nomination Panel is established. The Governor may choose only from these nominations. The Nomination Panel shall deliver a list of the nominees, including a memorandum detailing the nominees' qualifications, to the Governor. After submitting the list to the Governor, the Nomination Panel shall file a copy along with a statement confirming delivery of the list and memorandum to the Governor with the Secretary of State. The Secretary of State shall indicate the date and time of filing.

After reviewing the nominations, the Governor may select 9 nominees, including the chairperson, for appointment to the State Board of Education, to be confirmed by the Senate. The Governor shall file the names of his or her appointments with the Senate and the Secretary of State. The Secretary of State shall indicate the date and time of filing.

The Governor has 30 days from the date the Nomination Panel files its list of nominees with the Secretary of State to make appointments to be confirmed by the Senate. If the Governor does not select all appointees within this 30 days, the Nomination Panel may appoint those members not yet selected for

appointment by the Governor. The Nomination Panel shall file the names of its appointments with the Senate and the Secretary of State. The Secretary of State shall indicate the date and time of filing.

Appointments by the Governor or Nomination Panel must be confirmed by the Senate by two-thirds of its members by record vote. Any appointment not acted upon within 30 calendar days after the date of filing the names of appointments with the Secretary of State shall be deemed to have received the advice and consent of the Senate.

(d) When a vacancy occurs on the State Board of Education, the Nomination Panel shall accept applications and nominations of candidates for 30 days from the date the vacancy occurred. All candidates must fill out a written application and submit to a background investigation to be eligible for consideration. The written application must include a sworn statement signed by the candidate disclosing any communications relating to the regulation of elementary and secondary education that the applicant has engaged in within the last year with a constitutional officer, a member of the General Assembly, an officer or other employee of the executive branch of this State, or an employee of the legislative branch of this State.

A person who provides false or misleading information on the application or fails to disclose a communication required to be disclosed in the sworn statement under this Section is guilty of a Class 3 felony. Once an application is submitted to the Nomination Panel and until (i) the candidate is rejected by the Nomination Panel, (ii) the candidate is rejected by the Governor, (iii) the candidate is rejected by the Senate, or (iv) the candidate is confirmed by the Senate, whichever is applicable, a candidate may not engage in ex parte communications.

The Nomination Panel must review written applications, determine eligibility for oral interviews, confirm satisfactory background investigations, and hold public hearings on qualifications of candidates. Initial interviews of candidates need not be held in meetings subject to the Open Meetings Act; members or staff may arrange for informal interviews. Prior to recommendation, however, the Nomination Panel must question candidates under oath in a meeting subject to the Open Meetings Act.

The Nomination Panel must nominate at least 3 candidates for the vacancy within 60 days after that vacancy occurs. Within 30 days after that, the Governor shall appoint one of those nominees to fill the vacancy for the remainder of the unexpired term. If the Governor does not fill the vacancy within the 30 days, the Nomination Panel may make the appointment. Vacancies shall be confirmed by the Senate in the same manner as full-term appointments under subsection (c-5) of this Section. ~~Vacancies in terms shall be filled by appointment by the Governor with the advice and consent of the Senate for the extent of the unexpired term. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when the Governor shall appoint a person to fill that membership for the remainder of its term. If the Senate is not in session when appointments for a full term are made, the appointments shall be made as in the case of vacancies.~~

(Source: P.A. 93-1036, eff. 9-14-04.)

(105 ILCS 5/1A-2) (from Ch. 122, par. 1A-2)

Sec. 1A-2. Qualifications. The members of the State Board of Education shall be citizens of the United States and residents of the State of Illinois and shall be selected as far as may be practicable on the basis of their knowledge of, or interest and experience in, problems of public education. No member of the State Board of Education shall be gainfully employed or administratively connected with any school system, nor have any interest in or benefit from funds provided by the State Board of Education to an institution of higher learning, public or private, within Illinois, nor shall they be members of a school board or board of school trustees of a public or nonpublic school, college, university or technical institution within Illinois. No member shall be appointed to more than 2 ~~full-year six-year~~ terms. Members shall be reimbursed for all ordinary and necessary expenses incurred in performing their duties as members of the Board. Expenses shall be approved by the Board and be consistent with the laws, policies, and requirements of the State of Illinois regarding such expenditures, plus any member may include in his claim for expenses \$50 per day for meeting days.

(Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 5/1A-2.1) (from Ch. 122, par. 1A-2.1)

Sec. 1A-2.1. Vacancies. In addition to the authority of the Governor to remove a person from office under Section 10 of Article V of the Constitution of the State of Illinois, the State Board of Education ~~The Governor~~ may remove for incompetence, neglect of duty, or malfeasance in office any member of the State Board of Education by a two-thirds vote in favor of removal. A vacancy also exists on the State Board of Education when one or more of the following events occur:

1. A member dies.

2. A member files a written resignation with the Governor.
3. A member is adjudicated to be a person under legal disability under the Probate Act of 1975 or a person subject to involuntary admission under the Mental Health and Developmental Disabilities Code.
4. A member ceases to be a resident of the region from which he or she was appointed.
5. A member is convicted of an infamous crime or of any offense involving a violation of his or her duties under this Code.
6. A member fails to maintain the qualifications stated in Section 1A-2 of this Code.

(Source: P.A. 93-1036, eff. 9-14-04.)

(105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

(Text of Section before amendment by P.A. 95-626)

Sec. 1A-4. Powers and duties of the Board.

A. (Blank).

B. The Board shall determine the qualifications of and appoint a chief education officer, to be known as the State Superintendent of Education, ~~who may be proposed by the Governor and~~ who shall serve at the pleasure of the Board and pursuant to a performance-based contract linked to statewide student performance and academic improvement within Illinois schools. Upon expiration or buyout of the contract of the State Superintendent of Education in office on the effective date of this amendatory Act of the ~~95th~~ 93rd General Assembly, a new State Superintendent of Education ~~may shall~~ be appointed by a State Board of Education that ~~consists of all of the new members initially to be appointed under this amendatory Act of the 95th General Assembly includes the 7 new Board members who were appointed to fill seats of members whose terms were terminated on the effective date of this amendatory Act of the 93rd General Assembly. Thereafter, a State Superintendent of Education must, at a minimum, be appointed at the beginning of each term of a Governor after that Governor has made appointments to the Board. A performance-based contract issued for the employment of a State Superintendent of Education must be for 4 years. A entered into on or after the effective date of this amendatory Act of the 93rd General Assembly must expire no later than February 1, 2007, and subsequent contracts must expire no later than February 1 each 4 years thereafter. No contract shall be extended or renewed beyond February 1, 2007 and February 1 each 4 years thereafter, but a State Superintendent of Education shall serve until his or her successor is appointed. Each contract entered into on or before January 8, 2007 with a State Superintendent of Education must provide that the State Board of Education may terminate the contract for cause, and the State Board of Education shall not thereafter be liable for further payments under the contract. With regard to this amendatory Act of the 93rd General Assembly, it is the intent of the General Assembly that, beginning with the Governor who takes office on the second Monday of January, 2007, a State Superintendent of Education be appointed at the beginning of each term of a Governor after that Governor has made appointments to the Board.~~ The State Superintendent of Education shall not serve as a member of the State Board of Education. The Board shall set the compensation of the State Superintendent of Education who shall serve as the Board's chief executive officer. The Board shall also establish the duties, powers and responsibilities of the State Superintendent, which shall be included in the State Superintendent's performance-based contract along with the goals and indicators of student performance and academic improvement used to measure the performance and effectiveness of the State Superintendent. The State Board of Education may delegate to the State Superintendent of Education the authority to act on the Board's behalf, provided such delegation is made pursuant to adopted board policy or the powers delegated are ministerial in nature. The State Board may not delegate authority under this Section to the State Superintendent to (1) nonrecognize school districts, (2) withhold State payments as a penalty, or (3) make final decisions under the contested case provisions of the Illinois Administrative Procedure Act unless otherwise provided by law.

C. The powers and duties of the State Board of Education shall encompass all duties delegated to the Office of Superintendent of Public Instruction on January 12, 1975, except as the law providing for such powers and duties is thereafter amended, and such other powers and duties as the General Assembly shall designate. The Board shall be responsible for the educational policies and guidelines for public schools, pre-school through grade 12 and Vocational Education in the State of Illinois. The Board shall analyze the present and future aims, needs, and requirements of education in the State of Illinois and recommend to the General Assembly the powers which should be exercised by the Board. Every year the ~~The~~ Board shall recommend the passage and the legislation necessary to determine the appropriate relationship between the Board and local boards of education and the various State agencies and shall recommend desirable modifications in the laws which affect schools.

D. Two members of the Board shall be appointed by the chairperson to serve on a standing joint

Education Committee, 2 others shall be appointed from the Board of Higher Education, 2 others shall be appointed by the chairperson of the Illinois Community College Board, and 2 others shall be appointed by the chairperson of the Human Resource Investment Council. The Committee shall be responsible for making recommendations concerning the submission of any workforce development plan or workforce training program required by federal law or under any block grant authority. The Committee will be responsible for developing policy on matters of mutual concern to elementary, secondary and higher education such as Occupational and Career Education, Teacher Preparation and Certification, Educational Finance, Articulation between Elementary, Secondary and Higher Education and Research and Planning. The joint Education Committee shall meet at least quarterly and submit an annual report of its findings, conclusions, and recommendations to the State Board of Education, the Board of Higher Education, the Illinois Community College Board, the Human Resource Investment Council, the Governor, and the General Assembly. All meetings of this Committee shall be official meetings for reimbursement under this Act.

E. Five members of the Board shall constitute a quorum. A majority vote of the members appointed, confirmed and serving on the Board is required to approve any action, ~~except that the 7 new Board members who were appointed to fill seats of members whose terms were terminated on the effective date of this amendatory act of the 93rd General Assembly may vote to approve actions when appointed and serving.~~

E-5. The Board shall prepare and submit to the General Assembly and the Governor on or before January 14, 1976 and annually thereafter a report or reports of its findings and recommendations. Such annual report shall contain a separate section which provides a critique and analysis of the status of education in Illinois and which identifies its specific problems and recommends express solutions therefor. Such annual report also shall contain the following information for the preceding year ending on June 30: each act or omission of a school district of which the State Board of Education has knowledge as a consequence of scheduled, approved visits and which constituted a failure by the district to comply with applicable State or federal laws or regulations relating to public education, the name of such district, the date or dates on which the State Board of Education notified the school district of such act or omission, and what action, if any, the school district took with respect thereto after being notified thereof by the State Board of Education. The report shall also include the statewide high school dropout rate by grade level, sex and race and the annual student dropout rate of and the number of students who graduate from, transfer from or otherwise leave bilingual programs. The annual report shall include any recommended legislation that the Board considers appropriate for the educational needs of this State and how far behind the federal government is on No Child Left Behind Act funding for this State. The Auditor General shall annually perform a compliance audit of the State Board of Education's performance of the reporting duty imposed by this subsection E-5 amendatory Act of 1986. A regular system of communication with other directly related State agencies shall be implemented.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Council, as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

F. Upon ~~all of the new members initially to be appointed under this amendatory Act of the 95th General Assembly taking office~~ ~~appointment of the 7 new Board members who were appointed to fill seats of members whose terms were terminated on the effective date of this amendatory Act of the 93rd General Assembly,~~ the Board shall review all of its current rules in an effort to streamline procedures, improve efficiency, and eliminate unnecessary forms and paperwork.

G. The Board shall provide the General Assembly with an "ideal world" budget that shows what is needed to fully fund everything. This budget must be filed with the Secretary of the Senate and the Clerk of the House of Representatives at the same time that the information required to be submitted to the General Assembly under subdivision (b) of Section 6 of the Governor's Office of Management and Budget Act is filed with the Secretary of the Senate and the Clerk of the House of Representatives.

(Source: P.A. 93-1036, eff. 9-14-04.)

(Text of Section after amendment by P.A. 95-626)

Sec. 1A-4. Powers and duties of the Board.

A. (Blank).

B. The Board shall determine the qualifications of and appoint a chief education officer, to be known as

the State Superintendent of Education, ~~who may be proposed by the Governor and~~ who shall serve at the pleasure of the Board and pursuant to a performance-based contract linked to statewide student performance and academic improvement within Illinois schools. Upon expiration or buyout of the contract of the State Superintendent of Education in office on the effective date of this amendatory Act of the 95th 93rd General Assembly, a new State Superintendent of Education may shall be appointed by a State Board of Education that consists of all of the new members initially to be appointed under this amendatory Act of the 95th General Assembly includes the 7 new Board members who were appointed to fill seats of members whose terms were terminated on the effective date of this amendatory Act of the 93rd General Assembly. Thereafter, a State Superintendent of Education must, at a minimum, be appointed at the beginning of each term of a Governor after that Governor has made appointments to the Board. A performance-based contract issued for the employment of a State Superintendent of Education must be for 4 years. A entered into on or after the effective date of this amendatory Act of the 93rd General Assembly must expire no later than February 1, 2007, and subsequent contracts must expire no later than February 1 each 4 years thereafter. No contract shall be extended or renewed beyond February 1, 2007 and February 1 each 4 years thereafter, but a State Superintendent of Education shall serve until his or her successor is appointed. Each contract entered into ~~on or before January 8, 2007~~ with a State Superintendent of Education must provide that the State Board of Education may terminate the contract for cause, and the State Board of Education shall not thereafter be liable for further payments under the contract. ~~With regard to this amendatory Act of the 93rd General Assembly, it is the intent of the General Assembly that, beginning with the Governor who takes office on the second Monday of January, 2007, a State Superintendent of Education be appointed at the beginning of each term of a Governor after that Governor has made appointments to the Board.~~ The State Superintendent of Education shall not serve as a member of the State Board of Education. The Board shall set the compensation of the State Superintendent of Education who shall serve as the Board's chief executive officer. The Board shall also establish the duties, powers and responsibilities of the State Superintendent, which shall be included in the State Superintendent's performance-based contract along with the goals and indicators of student performance and academic improvement used to measure the performance and effectiveness of the State Superintendent. The State Board of Education may delegate to the State Superintendent of Education the authority to act on the Board's behalf, provided such delegation is made pursuant to adopted board policy or the powers delegated are ministerial in nature. The State Board may not delegate authority under this Section to the State Superintendent to (1) nonrecognize school districts, (2) withhold State payments as a penalty, or (3) make final decisions under the contested case provisions of the Illinois Administrative Procedure Act unless otherwise provided by law.

C. The powers and duties of the State Board of Education shall encompass all duties delegated to the Office of Superintendent of Public Instruction on January 12, 1975, except as the law providing for such powers and duties is thereafter amended, and such other powers and duties as the General Assembly shall designate. The Board shall be responsible for the educational policies and guidelines for public schools, pre-school through grade 12 and Vocational Education in the State of Illinois. The Board shall analyze the present and future aims, needs, and requirements of education in the State of Illinois and recommend to the General Assembly the powers which should be exercised by the Board. Every year, the ~~The~~ Board shall recommend the passage and the legislation necessary to determine the appropriate relationship between the Board and local boards of education and the various State agencies and shall recommend desirable modifications in the laws which affect schools.

D. Two members of the Board shall be appointed by the chairperson to serve on a standing joint Education Committee, 2 others shall be appointed from the Board of Higher Education, 2 others shall be appointed by the chairperson of the Illinois Community College Board, and 2 others shall be appointed by the chairperson of the Human Resource Investment Council. The Committee shall be responsible for making recommendations concerning the submission of any workforce development plan or workforce training program required by federal law or under any block grant authority. The Committee will be responsible for developing policy on matters of mutual concern to elementary, secondary and higher education such as Occupational and Career Education, Teacher Preparation and Certification, Educational Finance, Articulation between Elementary, Secondary and Higher Education and Research and Planning. The joint Education Committee shall meet at least quarterly and submit an annual report of its findings, conclusions, and recommendations to the State Board of Education, the Board of Higher Education, the Illinois Community College Board, the Human Resource Investment Council, the Governor, and the General Assembly. All meetings of this Committee shall be official meetings for reimbursement under this Act. On the effective date of this amendatory Act of the 95th General Assembly, the Joint Education

Committee is abolished.

E. Five members of the Board shall constitute a quorum. A majority vote of the members appointed, confirmed and serving on the Board is required to approve any action, ~~except that the 7 new Board members who were appointed to fill seats of members whose terms were terminated on the effective date of this amendatory act of the 93rd General Assembly may vote to approve actions when appointed and serving.~~

E-5. The Board shall prepare and submit to the General Assembly and the Governor on or before January 14, 1976 and annually thereafter a report or reports of its findings and recommendations. Such annual report shall contain a separate section which provides a critique and analysis of the status of education in Illinois and which identifies its specific problems and recommends express solutions therefor. Such annual report also shall contain the following information for the preceding year ending on June 30: each act or omission of a school district of which the State Board of Education has knowledge as a consequence of scheduled, approved visits and which constituted a failure by the district to comply with applicable State or federal laws or regulations relating to public education, the name of such district, the date or dates on which the State Board of Education notified the school district of such act or omission, and what action, if any, the school district took with respect thereto after being notified thereof by the State Board of Education. The report shall also include the statewide high school dropout rate by grade level, sex and race and the annual student dropout rate of and the number of students who graduate from, transfer from or otherwise leave bilingual programs. The annual report shall include any recommended legislation that the Board considers appropriate for the educational needs of this State and how far behind the federal government is on No Child Left Behind Act funding for this State. The Auditor General shall annually perform a compliance audit of the State Board of Education's performance of the reporting duty imposed by this subsection E-5 amendatory Act of 1986. A regular system of communication with other directly related State agencies shall be implemented.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Council, as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

F. ~~Upon all of the new members initially to be appointed under this amendatory Act of the 95th General Assembly taking office appointment of the 7 new Board members who were appointed to fill seats of members whose terms were terminated on the effective date of this amendatory Act of the 93rd General Assembly,~~ the Board shall review all of its current rules in an effort to streamline procedures, improve efficiency, and eliminate unnecessary forms and paperwork.

G. The Board shall provide the General Assembly with an "ideal world" budget that shows what is needed to fully fund everything. This budget must be filed with the Secretary of the Senate and the Clerk of the House of Representatives at the same time that the information required to be submitted to the General Assembly under subdivision (b) of Section 6 of the Governor's Office of Management and Budget Act is filed with the Secretary of the Senate and the Clerk of the House of Representatives.

(Source: P.A. 95-626, eff. 6-1-08.)

(105 ILCS 5/1A-12 new)

Sec. 1A-12. State Board of Education Advisory Board.

(a) There is created the State Board of Education Advisory Board composed of 8 members who are appointed, 2 each, by 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.

(b) Members of the Advisory Board shall serve for 2 years. Vacancies shall be filled by appointment for the unexpired term in the same manner as original appointments are made. The Advisory Board shall elect 2 co-chairpersons from among its members, one appointed by a House member from one party and one appointed by a Senate member from another party.

(c) Members of the Advisory Board shall serve without compensation, but may be reimbursed for necessary expenses in connection with the performance of the Advisory Board's duties.

(d) The Advisory Board (i) shall meet quarterly or as needed, (ii) shall produce and request any reports it deems necessary, (iii) shall provide advisory oversight of the State Board of Education, and (iv) shall work with the State Board of Education in an advisory capacity to implement the State Board's powers and duties.

(105 ILCS 5/1A-13 new)

Sec. 1A-13. Ex parte communications.

(a) This Section applies to ex parte communications made to the State Board of Education.

(b) In this Section, "ex parte communication" means any written or oral communication by any person that imparts or requests material information or makes a material argument regarding potential action concerning financial, budgetary, or investment matters pending before or under consideration by the State Board of Education. "Ex parte communication" does not include (i) statements by a person publicly made in a public forum, (ii) statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter, and (iii) statements made by an employee of the State Board to the agency head of the State Board or to other employees of the State Board.

(c) An ex parte communication received by the State Board of Education, the State Superintendent of Education, or other State Board employee from the Governor or his or her official representative, employee, or attorney shall promptly be memorialized and made a part of the record. The ex parte communication shall promptly be filed with the Executive Ethics Commission, including all written communications, all written responses to the communications, and a memorandum stating the nature and substance of all oral communications, the identity and job title of the person to whom each communication was made, all responses made, the identity and job title of the person making each response, the identity of each person from whom the written or oral ex parte communication was received, the individual or entity represented by that person, any action the person requested or recommended, and any other pertinent information. This disclosure shall also contain the date of any ex parte communication.

(d) Ex parte communications filed with the Executive Ethics Commission under this Section must be open to public inspection.

(e) Any person who fails to (i) report an ex parte communication, (ii) make information part of the record, or (iii) make a filing with the Executive Ethics Commission as required by this Section violates the State Officials and Employees Ethics Act.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

AMENDMENT NO. 2. Amend House Bill 4232, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, as follows:

on page 5, line 6, by replacing "continuous" with "contiguous"; and

on page 23, lines 10 and 11, by replacing "an "ideal world"" with "a separate"; and

on page 23, line 12, by replacing "everything" with "all State mandates and to meet the educational needs of this State"; and

on page 23, immediately below line 18, by inserting the following:

"H. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."; and

on page 29, lines 22 and 23, by replacing "an "ideal world"" with "a separate"; and

on page 29, line 24, by replacing "everything" with "all State mandates and to meet the educational needs of this State"; and

on page 30, immediately below line 4, by inserting the following:

"H. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."; and

on page 30, line 9, after "members", by inserting "of the General Assembly"; and

on page 30, by replacing lines 17 and 18 with the following:

"members, one a House member and one a Senate member. The 2 co-chairpersons must represent different political parties."; and

on page 30, line 20, by replacing "may be reimbursed" with "must be reimbursed by the State Board of Education, from funds appropriated for that purpose.".

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 4251. 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 4251 on page 1, line 16 by changing "or" to "œ"; and on page 1, line 17 by inserting after "work" the following:
" , or to any authorized vehicle within a designated construction zone".

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 4262. 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 4262 by replacing everything after the enacting clause with the following:

"Section 5. The Carrier, Racing, Hobby, and Show Pigeon Act of 1993 is amended by changing Section 7 as follows:

(510 ILCS 45/7) (from Ch. 8, par. 907)

Sec. 7. A municipality may regulate, but not prohibit, the orderly keeping of carrier, racing, hobby, and show pigeons. Any municipality may located in a county with fewer than 3,000,000 inhabitants or a county shall not enact an ordinance which prohibits the orderly keeping of carrier pigeons, hobby, or show pigeons, except that any municipality located within a county having 3,000,000 or more inhabitants may enact an ordinance to prohibit or regulate the housing and keeping of any pigeons other than orderly keeping of carrier, racing, hobby, or show pigeons.

(Source: P.A. 88-136; 89-651, eff. 8-14-96.)

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 4278. 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 4278 on page 4, immediately below line 6, by inserting the following:

"Section 20. No rulemaking authority. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this Act. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this Act, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this Act shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this Act, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 4289.

HOUSE BILL 4297. 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 4297 on page 2, lines 15 and 16 by replacing "the Illinois Hospice & Palliative Care Organization" with the following:

"a statewide organization whose primary membership consists of hospice programs"; and

on page 2, line 26 and page 3, line 1 by replacing "the Illinois Hospice & Palliative Care Organization" with the following:

"a statewide organization whose primary membership consists of hospice programs"; and

on page 3, lines 3 and 4 by replacing "the Illinois Hospice & Palliative Care Organization" with the following:

"a statewide organization whose primary membership consists of hospice programs"; and

on page 3, line 8 by replacing "The Illinois Hospice & Palliative Care Organization" with "A statewide organization whose primary membership consists of hospice programs".

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 4303. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Health Care Availability and Access, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4303 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the MRSA Screening, Prevention, and Reporting Act for State Residential Facilities.

Section 5. Definition. In this Act, "State residential facility" or "facility" means: any Department of Human Services operated residential facility, including any State mental health hospital, State developmental center, or State residential school for the deaf and visually impaired; any Department of Veterans' Affairs operated veterans home; any Department of Corrections operated correctional center, work camp or boot camp, or adult transition center; and any Department of Juvenile Justice operated juvenile center or boot camp.

Section 10. MRSA control program. In order to improve the prevention of infections due to methicillin-resistant *Staphylococcus aureus* ("MRSA"), every State residential facility shall establish an MRSA control program that includes the following features:

(1) Screening and surveillance.

(A) All residents, patients, students, or inmates of the facility undergoing intake medical screening and physical examinations shall be carefully evaluated for skin infections. This screening shall include culturing of skin abscesses, boils, "spider bites", or other suspicious skin conditions.

(B) Recently hospitalized residents, patients, students, or inmates of the facility shall be screened for infections immediately upon return to the facility and shall be instructed to report any new onset skin infection or fever.

(C) Residents, patients, students, or inmates of the facility with risk factors such as diabetes, immunocompromised conditions, open wounds, recent surgery, indwelling catheters, implantable devices, chronic skin conditions, or paraplegia with decubiti shall be evaluated for skin infections during routine medical evaluations.

(D) All residents, patients, students, or inmates of the facility with skin infections shall be referred to health services for evaluation.

(E) Facility health care providers shall consider MRSA infection in the differential diagnosis for all residents, patients, students, or inmates presenting with a skin or soft tissue infection or any other clinical presentation consistent with a staphylococcal infection.

(F) Appropriate bacterial cultures shall be obtained in all cases of suspected MRSA infection.

(G) No resident, patient, student, or inmate of the facility with a skin or soft tissue infection shall be transferred to another facility until fully evaluated and appropriately treated except when required for reasons of appropriate security or care. Residents, patients, students, or inmates with MRSA infections requiring transfer shall have draining wounds dressed the day of transfer to contain the draining. Escort personnel shall be notified of the resident, patient, student, or inmate's condition and educated on infection control measures. The clinical director of the sending facility or his or her designee shall notify the receiving institution's clinical director or health services administrator of pending transfers of individuals with MRSA.

(2) Reporting.

(A) All confirmed MRSA and other antibiotic-resistant infections shall be documented in the resident, patient, student, or inmate's medical record.

(B) All confirmed MRSA and other antibiotic-resistant infections shall be reported to the director of the department operating the facility and to the Department of Public Health. The report shall indicate whether the MRSA infection was present on intake or contracted at the facility, if known.

(3) Prevention.

(A) Education. Employees, residents, patients, students, and inmates of the facility shall be provided with information on the transmission, prevention, treatment, and containment of MRSA infections.

(B) Hand Hygiene program: Each facility shall develop and implement a hand hygiene program for employees, residents, patients, students, and inmates of the facility that includes adequate hand-washing equipment and supplies and regular training on effective hand hygiene techniques and education on the importance of hand hygiene. These trainings must be conducted at least once each year and may be conducted in conjunction with other trainings.

(C) Sanitation. Each facility shall develop and implement a sanitation program for cleaning and disinfecting the environment that includes the following:

(i) Use of an Environmental Protection Agency (EPA)-registered disinfectant

according to the manufacturer's instructions.

(ii) Regularly cleaning or disinfecting washable surfaces in residents', patients', and students' rooms, in inmates' cells, and in shared areas such as showers, fitness areas, and food services areas.

(iii) Cleaning or disinfecting restraining devices after every use.

(iv) Treating all linen (towels, sheets, and similar items) as potentially infectious and following recommendations of the Centers for Disease Control and Prevention for laundering.

(D) Personal protective equipment. Employees of the facility shall be provided with personal protective equipment (gloves, eye protection, and gowns) for use when contact with blood, body fluids, or wound drainage is likely.

(E) Isolation of residents, patients, students, or inmates with MRSA. Each State residential facility shall develop guidelines for isolating MRSA-diagnosed residents, patients, students, or inmates from others when a clinician determines the individual to be a high risk for spreading the contagion. Residents, patients, students, or inmates diagnosed with MRSA shall be examined by a clinician to determine their risk of contagion to others. The determination about whether to isolate residents, patients, students, or inmates with MRSA infections shall include consideration of the degree to which wound drainage can be contained and the ability or willingness of a resident, patient, student, or inmate to comply with infection control instructions.

(4) Infection control. Upon the diagnosis of a single MRSA case at a State residential facility, that facility shall implement surveillance measures to detect additional MRSA cases through the following procedures:

(A) The individual diagnosed with MRSA shall be interviewed to identify potential sources of infections and close contacts. The interview should seek to determine the date of onset and activity immediately before and following onset, including recent hospitalizations, housing, work assignments, sharing of personal hygiene items, sexual contact, participation in close-contact sports, or exposure to other residents, patients, students, or inmates with draining wounds or skin infections.

(B) An individual shall not be required to make a copayment for the testing or treatment of an MRSA infection.

(C) Employees, residents, patients, students, or inmates of the facility identified as having contact with the infected individual should be examined for signs and symptoms of infection.

(D) State residential facility management shall inform all employees of the facility of the MRSA case. The notification must protect the identity of the infected individual. Management shall immediately conduct a training program on MRSA and hand hygiene, in addition to the training program required under subdivision (3)(B) of this Section, unless there has been a confirmed case of MRSA at the facility within the previous 6 months and a training was conducted at that time.

(E) State residential facility management shall inform all health care providers evaluating residents or inmates of the facility of the MRSA case so they may be on the alert for inmates with skin or soft tissue infections or other evidence of MRSA infections.

(F) No resident, patient, student, or inmate with a skin or soft tissue infection shall be transferred to another facility until fully evaluated and appropriately treated except when required for security reasons, medical care, or other special circumstances. Residents, patients, students, or inmates with MRSA infections requiring transfer shall have draining wounds dressed the day of transfer to contain the draining. Escort personnel shall be notified of the resident, patient, student, or inmate's condition and educated on infection control measures. The clinical director of the sending facility or his or her designee shall notify the receiving institution's clinical director or health services administrator of pending transfers of individuals with MRSA.

(5) Treatment. The Department of Public Health shall develop an MRSA treatment protocol for each department operating a State residential facility. Upon issuance of the protocol by the Department of Public Health, each department operating a State residential facility shall educate all clinical staff at the facility and healthcare vendors for the facility on that protocol.

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

AMENDMENT NO. 2. Amend House Bill 4303, AS AMENDED, after the last line of Section 10, by inserting the following:

"Section 15. No authority to make or promulgate rules. Notwithstanding any other rulemaking authority

that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this Act. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this Act, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this Act shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this Act, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

AMENDMENT NO. 3. Amend House Bill 4303, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 2, line 1, by replacing "program" with "procedures"; and on page 2, line 4, by replacing "an MRSA control program" with "MRSA control procedures"; and on page 2, line 10, before the period, by inserting "through a visual inspection"; and on page 2, line 12, before the period, by inserting "when revealed by the visual inspection"; and on page 3, line 14, after "treated", by inserting "as described in this subparagraph (G),"; and on page 3, line 25, after the period, by inserting the following: "This subparagraph (G) does not apply to discharges and is not intended to limit an individual's right to leave an institutional setting."; and on page 4, line 16, by replacing "program" with "procedures"; and on page 4, line 17, by replacing "a hand hygiene program" with "hand hygiene procedures"; and on page 4, line 26, by replacing "a sanitation program" with "sanitation procedures"; and on page 7, line 7, by replacing "of the MRSA case" with "that an occurrence of MRSA infection has been identified"; and on page 7, line 8, after "identity", by inserting "and confidential information"; and on page 7, line 10, by replacing "a training program" with "training"; and on page 7, line 11, by deleting "program"; and on page 7, line 18, by replacing "case" with "infection occurrence"; and on page 7, line 24, after "treated", by inserting "as described in this subparagraph (F),"; and on page 8, line 10, after the period, by inserting the following: "This subparagraph (F) does not apply to discharges and is not intended to limit an individual's right to leave an institutional setting.".

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 4319.

HOUSE BILL 4320. 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 4320 on page 9, line 17 and on page 21, line 26, wherever it appears by replacing "refrain from having" with "may not knowingly use"; and on page 45 line 1, by replacing "shall refrain from having" with "may not knowingly use".

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 4367. 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 4367 as follows:
 on page 4, line 15, by replacing "Sections 3, 5, and 6" with "Sections 3 and 5"; and
 by deleting line 15 on page 7 through line 7 on page 8; and
 on page 8, by replacing lines 21 through 23 with the following
"certification. The Department shall collect a fee for the closed loop contractor's qualification exam. The Water Well and Pump"; and

on page 9, immediately below line 7, by inserting the following:

"Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."; and

on page 10, by replacing lines 4 and 5 with the following:

"The Department shall collect annual registration fees. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.".

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 4374.

HOUSE BILL 4391. Having been reproduced, was taken up and read by title a second time.
 Representative May offered the following amendments and moved their adoption:

AMENDMENT NO. 1. Amend House Bill 4391 on page 1, line 11, by replacing "licensed dentists," with "licensed dentists, licensed veterinarians,"; and
 on page 53, immediately below line 12, by inserting the following:

"Section 120. The Veterinary Medicine and Surgery Practice Act of 2004 is amended by changing Section 25 as follows:

(225 ILCS 115/25) (from Ch. 111, par. 7025)

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

Sec. 25. Disciplinary actions.

1. The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department may deem appropriate, including fines not to exceed \$1,000 for each violation, with regard to any license or certificate for any one or combination of the following:

- A. Material misstatement in furnishing information to the Department.
- B. Violations of this Act, or of the rules promulgated under this Act.
- C. Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or that is a misdemeanor, an essential element of which is dishonesty, or of any crime that is directly related to the practice of the profession.
- D. Making any misrepresentation for the purpose of obtaining licensure or certification, or violating any provision of this Act or the rules promulgated under this Act pertaining to advertising.
- E. Professional incompetence.
- F. Gross malpractice.
- G. Aiding or assisting another person in violating any provision of this Act or rules.
- H. Failing, within 60 days, to provide information in response to a written request made by the Department.
- I. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud or harm the public.
- J. Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.
- K. Discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.
- L. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for professional services not actually or personally rendered.
- M. A finding by the Board that the licensee or certificate holder, after having his license or certificate placed on probationary status, has violated the terms of probation.
- N. Willfully making or filing false records or reports in his practice, including but not limited to false records filed with State agencies or departments.
- O. Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice the profession with reasonable judgement, skill or safety.
- P. Solicitation of professional services other than permitted advertising.
- Q. Having professional connection with or lending one's name, directly or indirectly, to any illegal practitioner of veterinary medicine and surgery and the various branches thereof.
- R. Conviction of or cash compromise of a charge or violation of the Harrison Act or the Illinois Controlled Substances Act, regulating narcotics.
- S. Fraud or dishonesty in applying, treating, or reporting on tuberculin or other biological tests.
- T. Failing to report, as required by law, or making false report of any contagious or infectious diseases.
- U. Fraudulent use or misuse of any health certificate, shipping certificate, brand inspection certificate, or other blank forms used in practice that might lead to the dissemination of disease or the transportation of diseased animals dead or alive; or dilatory methods, willful neglect, or misrepresentation in the inspection of milk, meat, poultry, and the by-products thereof.
- V. Conviction on a charge of cruelty to animals.
- W. Failure to keep one's premises and all equipment therein in a clean and sanitary condition.
- X. Failure to provide satisfactory proof of having participated in approved continuing education programs.
- Y. Failure to (i) file a return, (ii) pay the tax, penalty, or interest shown in a filed return, or (iii) pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the requirements of that tax Act are satisfied.
- Z. Conviction by any court of competent jurisdiction, either within or outside this

State, of any violation of any law governing the practice of veterinary medicine, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

AA. Promotion of the sale of drugs, devices, appliances, or goods provided for a patient in any manner to exploit the client for financial gain of the veterinarian.

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

CC. Practicing under a false or, except as provided by law, an assumed name.

DD. Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

EE. Cheating on or attempting to subvert the licensing examination administered under this Act.

FF. Using, prescribing, or selling a prescription drug or the extra-label use of a prescription drug by any means in the absence of a valid veterinarian-client-patient relationship.

GG. Failing to report a case of suspected aggravated cruelty, torture, or animal fighting pursuant to Section 3.07 or 4.01 of the Humane Care for Animals Act or Section 26-5 of the Criminal Code of 1961.

HH. Violating any provision of the Internet Prescribing Prohibition Act.

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

3. All proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license or certificate on any of the foregoing grounds, must be commenced within 3 years after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described in this Section. Except for proceedings brought for violations of items (CC), (DD), or (EE), no action shall be commenced more than 5 years after the date of the incident or act alleged to have violated this Section. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, the claim, cause of action, or civil action being grounded on the allegation that a person licensed or certified under this Act was negligent in providing care, the Department shall have an additional period of one year from the date of the settlement or final judgment in which to investigate and begin formal disciplinary proceedings under Section 25.2 of this Act, except as otherwise provided by law. The time during which the holder of the license or certificate was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

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

5. In enforcing this Section, the Board, upon a showing of a possible violation, may compel a licensee or applicant 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 Board or the Department may order (i) the examining physician to present testimony concerning the mental or physical examination of a licensee or applicant or (ii) the examining clinical psychologist to present testimony concerning the mental examination of a licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between a licensee or applicant and the examining physician or clinical psychologist. An 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 the examination. Failure of an individual to submit to a mental or physical examination, when directed, is grounds for suspension of his or her license. The license must remain suspended until the person submits to the examination or the Board finds, after notice and hearing, that the refusal to submit to the examination was with reasonable cause.

If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board must require the individual to submit to care, counseling, or treatment by a physician or clinical

psychologist approved by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. In lieu of care, counseling, or treatment, the Board may recommend that the Department file a complaint to immediately suspend or revoke the license of the individual or otherwise discipline the licensee.

Any individual whose license was granted, continued, reinstated, or renewed subject to conditions, terms, or restrictions, as provided for in this Section, or any individual who was disciplined or placed on supervision pursuant to this Section must be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

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

AMENDMENT NO. 2. Amend House Bill 4391 on page 1, lines 19 and 20, by replacing "controlled substances under the Illinois Controlled Substances Act" with "medications".

The foregoing motions prevailed and Amendments numbered 1 and 2 were 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 4402. 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 4402 on page 2, line 5, by inserting "day care home, group day care home," after "facility,"; and

on page 2, line 18, by inserting after the period the following:

"Nothing in this subsection (b-5) prohibits a child sex offender from residing within 500 feet of a day care home or group day care home if the property is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 95th General Assembly."; and

on page 3, line 7, by replacing ", or" with "~~;~~ or"; and

on page 3, line 9, by inserting after "age" the following:

": (vi) day care home; or (vii) group day care home"; and

on page 3, line 18, by replacing "or" with "~~or~~"; and

on page 3, line 19, by inserting after "age" the following:

" day care home, or group day care home"; and

on page 10, by inserting immediately below line 14 the following:

"(11) "Day care home" has the meaning ascribed to it in Section 2.18 of the Child Care Act of 1969.

(12) "Group day care home" has the meaning ascribed to it in Section 2.20 of the Child Care Act of 1969."

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 4437. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Elementary & Secondary Education, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4437 on page 1, line 11, after the period, by inserting the following:

"Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action

in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."; and

on page 1, line 17, after the period, by inserting the following:

"Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

AMENDMENT NO. 2. Amend House Bill 4437, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-635 as follows:

(20 ILCS 2310/2310-635 new)

Sec. 2310-635. Student athletes; EKG test required. The Department shall require an electrocardiogram (EKG) test as part of the health examination that student athletes are required to undergo. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

AMENDMENT NO. 3. Amend House Bill 4437, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, as follows:

on page 1, line 9, after "required", by inserting ", pilot program"; and

on page 1, line 10, after "shall", by inserting "establish a 3-year pilot program for City of Chicago School District 299 in which the Department shall".

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 4441.

HOUSE BILL 4442. 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 4442 on page 3, line 17, after "Code", by inserting "unless the student's parent or guardian prefers that the student be transferred there"; and on page 6, line 5, after "Code", by inserting "unless the student's parent or guardian prefers that the student be transferred there".

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 held on the order of Second Reading: HOUSE BILL 4443.

HOUSE BILL 4456. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Human Services, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4456 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Commission on Children and Youth Act.

Section 5. Legislative findings. The General Assembly finds that positive development opportunities for children and youth are an essential investment in the future well-being of our State. Over the past decade Illinois has invested significant resources in programs and services for children and youth in areas such as education, health care, delinquency prevention, and child welfare. Recent initiatives to expand health care and preschool for all children statewide are significant steps toward establishing Illinois as a national leader in providing foundational services to its youngest residents. These investments have supported important opportunities for healthy development, yet there continue to be unmet needs, service gaps, and other challenges facing children, youth and young adults across Illinois. It has been over 22 years since Illinois has had a commission to explore how the State serves its children and youth and allocates its resources in a manner that most effectively supports children and youth. Illinois is committed to being a model state in forging innovative life development opportunities for all children and youth and needs to develop a vision and strategic plan to achieve this goal.

Section 10. Commission on Children and Youth. The Commission on Children and Youth is established. The purposes of the Commission are to (1) create a comprehensive 5-year strategic plan for providing services to children, youth and young adults ages birth to 24 in Illinois, (2) monitor the implementation of the strategic plan, and (3) review and, if deemed appropriate, revise the strategic plan.

Section 15. Commission members; appointments. The Commission shall be composed of the following members, to be appointed within 60 days after the effective date of this Act:

(a) Four members of the General Assembly: 2 members of the Illinois Senate, one member appointed by the President of the Senate and one member appointed by the Senate Minority Leader; 2 members of the Illinois House of Representatives, one member appointed by the Speaker of the House and one member appointed by the House Minority Leader.

(b) A member of the Governor's leadership team appointed by the Governor, who shall serve as one of the co-chairs of the Commission.

(c) Up to 30 public members appointed by the Governor with demonstrated interest and expertise in children and youth across the major stages of child and adolescent development. Public members shall include rural, suburban and urban entities; direct service providers; child advocates; human rights organizations; faith-based service providers; philanthropic organizations that invest in children and youth; at least 3 parents of children under the age of 16; and at least 3 young people between the ages of 16 and 24. A second co-chair of the Commission shall be elected from among the public members of the Commission by the public members.

(d) The following shall serve as ex-officio members of the Commission: the Director of Children and Family Services or his or her designee; the Director of Commerce and Economic Opportunity or his or her

designee; the Director of Corrections or his or her designee; the Director of Employment Security or his or her designee; the Director of Healthcare and Family Services or his or her designee; the Secretary of Human Services or his or her designee; the Director of Juvenile Justice or his or her designee; the Director of Public Health or his or her designee; the State Superintendent of Education or his or her designee; the Commissioner of the Chicago Department of Children and Youth Services or his or her designee; the Executive Director of the Illinois Violence Prevention Authority or his or her designee; the Chair of the Illinois African-American Family Commission or his or her designee; and the Chair of the Latino Family Commission or his or her designee. In addition, there shall be a representative of a local government entity coordinating services for children and youth and a representative of the Illinois Early Learning Council, to be chosen by the chairs.

Section 20. Strategic plan; desired outcomes. The Commission shall develop a 5-year strategic plan that includes specific recommendations to enhance coordination of existing State programs and services and innovative strategies to achieve the following outcomes:

(1) Thriving: preventive health. All children and youth should have access to adequate health care and be educated on healthy lifestyle choices to prevent future illness and disease.

(2) Learning: education completion. All children and youth should have the opportunity to earn a high school diploma and should receive appropriate individualized supports when they face challenges in doing so.

(3) Working: workforce development. All children and youth should have an opportunity for education, skill building, and work experience to prepare them for success in the workforce.

(4) Connecting: social and emotional development. All children and youth should have opportunities to develop essential social and emotional skills that allow them to communicate effectively, resolve conflict, and manage stress.

(5) Leading: civic engagement. All children and youth should have opportunities to build relationships with adults and their peers as well as cultivate leadership skills through service learning, mentoring, and other safe activities in their communities.

Section 25. Strategic plan; responsibilities. The 5-year strategic plan shall be developed by the Commission in collaboration with other children and youth experts and service providers as needed. Commission members, Commission staff, or both may confer and collaborate with relevant State and national organizations with expertise in child and youth development. The Illinois Early Learning Council shall have primary responsibility for development of the strategic plan pertaining to children birth to 5 and shall collaborate with the Commission on creation of the final plan. The Commission may establish committees that address specific issues or populations and may appoint individuals with relevant expertise who are not appointed members of the Commission to serve on committees as needed.

Section 30. Recommendations; factors. The Commission shall address all of the following factors in developing the 5-year strategic plan:

(1) Strategies to broaden access to programs and services to youth up through age 24.

(2) Disparities in access and outcomes that may be present based on racial, ethnic, geographic, gender, sexual orientation, disability, incarceration status, medically fragile health conditions, or other variables.

(3) The role of and supports for families and communities in achieving successful outcomes for children, youth and young adults.

(4) Mechanisms for data collection and tracking that integrate data across programs and funding streams when possible.

(5) All other factors the Commission deems relevant to the positive development of children, youth and young adults.

Section 35. Reporting; timelines. The Commission shall issue an interim report to the Governor and to the General Assembly on the Commission's activities on or before December 31, 2009. A draft strategic plan shall be submitted to the Governor and to the General Assembly on or before December 31, 2010. The final strategic plan shall be submitted to the Governor and to the General Assembly on or before June 1, 2011. Any subsequent revisions to the strategic plan shall be submitted to the Governor and to the General Assembly within 30 days after the revisions are approved by the Commission.

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

AMENDMENT NO. 2. Amend House Bill 4456, AS AMENDED, in Section 10 after "established.", by inserting the following:

"Under the leadership of the Office of the Governor, the Department of Human Services shall provide administrative support to the Commission, subject to appropriations."

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 4464.

HOUSE BILL 4466. 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 4466 on page 2, by inserting immediately below line 6 the following:

"(c) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."; and

on page 2, by replacing lines 18 through 22 with the following:

"Unified Code of Corrections. The analysis shall be performed by"; and

on page 3, by inserting below line 21 the following:

"(d) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."; and

on page 15, by inserting immediately below line 25 the following:

"(o) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th

General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 4471. 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 4471 on page 2, line 11, after the period, by inserting the following: "Once a school or other entity has obtained a copy of a certified copy of a child's birth certificate as required under item (i) of this subdivision (b)(1), the school or other entity need not request or obtain another such copy with respect to that child for any other year in which the child is enrolled in that school or other entity.".

Representative Dugan offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4471 by replacing everything after the enacting clause with the following:

"Section 5. The Missing Children Records Act is amended by changing Section 5 as follows:

(325 ILCS 50/5) (from Ch. 23, par. 2285)

Sec. 5. Duties of school or other entity.

(a) Upon notification by the Department of a person's disappearance, a school, preschool educational program, child care facility, or day care home or group day care home in which the person is currently or was previously enrolled shall flag the record of that person in such a manner that whenever a copy of or information regarding the record is requested, the school or other entity shall be alerted to the fact that the record is that of a missing person. The school or other entity shall immediately report to the Department any request concerning flagged records or knowledge as to the whereabouts of any missing person. Upon notification by the Department that the missing person has been recovered, the school or other entity shall remove the flag from the person's record.

(b) (1) ~~For every child enrolled upon enrollment of a child for the first time~~ in a particular elementary or secondary school, public or private preschool educational program, public or private child care facility licensed under the Child Care Act of 1969, or day care home or group day care home licensed under the Child Care Act of 1969, that school or other entity shall notify in writing the person enrolling the child that within 30 days he must provide either (i) a copy of a certified copy of the child's birth certificate or (ii) other reliable proof, as determined by the Department, of the child's identity and age and an affidavit explaining the inability to produce a copy of the birth certificate. Other reliable proof of the child's identity and age shall include a passport, visa or other governmental documentation of the child's identity. Once a school or other entity has obtained a copy of a certified copy of a child's birth certificate as required under item (i) of this subdivision (b)(1), the school or other entity need not request or obtain another such copy with respect to that child for any other year in which the child is enrolled in that school or other entity.

(2) Upon the failure of a person enrolling a child to comply with subsection (b) (1), the school or other entity shall immediately notify the Department or local law enforcement agency of such failure, and shall notify the person enrolling the child in writing that he has 10 additional days to comply.

(3) The school or other entity shall immediately report to the Department any affidavit received pursuant to this subsection which appears inaccurate or suspicious in form or content.

(c) Within 14 days after enrolling a transfer student, the elementary or secondary school shall request directly from the student's previous school a certified copy of his record. The requesting school shall exercise due diligence in obtaining the copy of the record requested. Any elementary or secondary school requested to forward a copy of a transferring student's record to the new school shall comply within 10 days of receipt of the request unless the record has been flagged pursuant to subsection (a), in which case the copy shall not be forwarded and the requested school shall notify the Department or local law enforcement authority of the request.

(d) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

(Source: P.A. 95-439, eff. 1-1-08.)

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

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.

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 4477.

HOUSE BILL 4527. 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 4527 as follows:

on page 2, line 11, after "thereafter," by inserting "If moneys appropriated for grants under this Section are not sufficient, then the State Librarian shall reduce the per capita amount of the grants so that the qualifying public libraries receive the same amount per capita, but in no event shall the grant be less than equivalent to the difference between the amount of the tax revenue obtained from the current levy and an annual income of \$4.25 per capita."; and

on page 3, line 8, after "thereafter," by inserting "If moneys appropriated for grants under this Section are not sufficient, then the State Librarian shall reduce the per capita amount of the grants so that the qualifying public libraries receive the same amount per capita, but in no event shall the grant be less than equivalent to the difference between the amount of the tax revenue obtained from the current levy and an annual income of \$4.25 per capita."; and

on page 5, line 11, after "\$750", by inserting ", which, in the event of an insufficient appropriation, shall not be reduced to a total grant of less than \$100"; and

on page 6, by replacing lines 21 and 22 with the following:

"Section 99. Effective date. This Act takes effect July 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.

HOUSE BILL 4537. 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 4537 by replacing after the enacting clause with the following:

"Section 5. The School Code is amended by adding Sections 2-3.148 and 27-23.8 as follows:

(105 ILCS 5/2-3.148 new)

Sec. 2-3.148. Disability history and awareness campaign. The State Board of Education shall promote an annual campaign about disability history and awareness in this State. The campaign shall be designed to increase public awareness and respect for people with disabilities who comprise a substantial percentage of this State's population, teach future generations that people with disabilities have a rich history and have made valuable contributions throughout this State and the United States, and teach future generations that disability is a natural part of life and that people with disabilities have a right to be treated with civil, legal, and human rights and as full human beings above all else. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

(105 ILCS 5/27-23.8 new)

Sec. 27-23.8. Disability history and awareness.

(a) A school district shall provide instruction on disability history, people with disabilities, and the disability rights movement. Instruction may be included in those courses that the school district chooses. This instruction must be founded on the principle that all students, including students with disabilities, have the right to exercise self-determination. When possible, individuals with disabilities should be incorporated into the development and delivery of this instruction. This instruction may be supplemented by knowledgeable guest speakers from the disability community. A school board may collaborate with community-based organizations, such as centers for independent living, parent training and information centers, and other consumer-driven groups, and disability membership organizations in creating this instruction.

(b) The State Board of Education may prepare and make available to all school boards resource materials that may be used as guidelines for the development of instruction for disability history and awareness under this Section.

(c) Each school board shall determine the minimum amount of instructional time required under this Section.

(d) The regional superintendent of schools shall monitor a school district's compliance with this Section's curricular requirement during his or her annual compliance visit.

(e) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this subsection (c), "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

Section 10. The University of Illinois Act is amended by adding Section 40 as follows:

(110 ILCS 305/40 new)

Sec. 40. Disability history and awareness. The University may conduct and promote activities that

provide education on, awareness of, and an understanding of disability history, people with disabilities, and the disability rights movement. Notwithstanding any other rulemaking authority that may exist, neither the Governor or University nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor or University believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor or University may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

Section 15. The Southern Illinois University Management Act is amended by adding Section 25 as follows:

(110 ILCS 520/25 new)

Sec. 25. Disability history and awareness. The University may conduct and promote activities that provide education on, awareness of, and an understanding of disability history, people with disabilities, and the disability rights movement. Notwithstanding any other rulemaking authority that may exist, neither the Governor or University nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor or University believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor or University may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

Section 20. The Chicago State University Law is amended by adding Section 5-135 as follows:

(110 ILCS 660/5-135 new)

Sec. 5-135. Disability history and awareness. The University may conduct and promote activities that provide education on, awareness of, and an understanding of disability history, people with disabilities, and the disability rights movement. Notwithstanding any other rulemaking authority that may exist, neither the Governor or University nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor or University believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor or University may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

Section 25. The Eastern Illinois University Law is amended by adding Section 10-135 as follows:

(110 ILCS 665/10-135 new)

Sec. 10-135. Disability history and awareness. The University may conduct and promote activities that provide education on, awareness of, and an understanding of disability history, people with disabilities, and the disability rights movement. Notwithstanding any other rulemaking authority that may exist, neither the

Governor or University nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor or University believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor or University may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

Section 30. The Governors State University Law is amended by adding Section 15-135 as follows:
(110 ILCS 670/15-135 new)

Sec. 15-135. Disability history and awareness. The University may conduct and promote activities that provide education on, awareness of, and an understanding of disability history, people with disabilities, and the disability rights movement. Notwithstanding any other rulemaking authority that may exist, neither the Governor or University nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor or University believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor or University may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

Section 35. The Illinois State University Law is amended by adding Section 20-140 as follows:
(110 ILCS 675/20-140 new)

Sec. 20-140. Disability history and awareness. The University may conduct and promote activities that provide education on, awareness of, and an understanding of disability history, people with disabilities, and the disability rights movement. Notwithstanding any other rulemaking authority that may exist, neither the Governor or University nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor or University believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor or University may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

Section 40. The Northeastern Illinois University Law is amended by adding Section 25-135 as follows:
(110 ILCS 680/25-135 new)

Sec. 25-135. Disability history and awareness. The University may conduct and promote activities that provide education on, awareness of, and an understanding of disability history, people with disabilities, and the disability rights movement. Notwithstanding any other rulemaking authority that may exist, neither the Governor or University nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor or University believes that rules are necessary to

implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor or University may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

Section 45. The Northern Illinois University Law is amended by adding Section 30-145 as follows:
(110 ILCS 685/30-145 new)

Sec. 30-145. Disability history and awareness. The University may conduct and promote activities that provide education on, awareness of, and an understanding of disability history, people with disabilities, and the disability rights movement. Notwithstanding any other rulemaking authority that may exist, neither the Governor or University nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor or University believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor or University may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

Section 50. The Western Illinois University Law is amended by adding Section 35-140 as follows:
(110 ILCS 690/35-140 new)

Sec. 35-140. Disability history and awareness. The University may conduct and promote activities that provide education on, awareness of, and an understanding of disability history, people with disabilities, and the disability rights movement. Notwithstanding any other rulemaking authority that may exist, neither the Governor or University nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor or University believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor or University may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 4549. 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 4549 by replacing line 13 on page 7 through line 23 on page 8 with the following:

- "(6) two members, appointed by the Governor, who shall be private timber growers;
- (7) one member, appointed by the president of a statewide association involved in promoting wood products ~~the Illinois Wood Products Association~~, who shall be involved in primary forest forestry industry;
- (8) one member, appointed by the president of a statewide association involved in promoting wood products ~~the Illinois Wood Products Association~~, who shall be involved in secondary forest forestry industry;
- (9) one member who is actively involved in environmental issues, appointed by the Governor;
- (10) the president of a statewide association involved in promoting soil and water conservation ~~the Association of Illinois Soil and Water Conservation Districts~~;
- (11) two persons who are actively engaged in farming, appointed by the Governor;
- (12) one member, appointed by the Governor, whose primary area of expertise is urban forestry;
- (13) one member appointed by the president of a statewide organization of arborists ~~President of the Illinois Arborists Association~~;
- (14) the Supervisor of the Shawnee National Forest and the United States Department of Agriculture Natural Resource Conservation Service's State Conservationist, ex officio, or their designees;
- (15) the president of a statewide association involved in promoting Illinois forestry;
- (16) the president of a statewide association involved in promoting Illinois walnut trees;
- (17) the chair of a statewide association involved in promoting Illinois tree farms;
- (18) the president of a statewide association of American foresters; and
- (19) the president of a statewide association promoting Illinois wildlife.

For those appointees that are currently serving on the Council prior to the effective date of this amendatory Act of the 95th General Assembly, their term shall expire 2 years after that effective date."

Representative Reitz offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4549 on page 10, immediately below line 22, by inserting the following:

"(i) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this subsection, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 4573. Having been reproduced, was taken up and read by title a second time. Representative Feigenholtz offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 4573 on page 4, between lines 15 and 16, by inserting the following:

"(6) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any

agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."; and

on page 9, between lines 15 and 16, by inserting the following:

"(e) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 4583.

HOUSE BILL 4602. 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 4602, on page 4, by replacing lines 2 through 8 with the following:

"(215 ILCS 5/356z.11 new)

Sec. 356z.11. Shingles vaccine. A group or individual policy of accident and health insurance or managed care plan amended, delivered, issued, or renewed after the effective date of the amendatory Act of this 95th General Assembly must provide coverage for a vaccine for shingles that is approved for marketing by the federal Food and Drug Administration if the vaccine is ordered by a physician licensed to practice medicine in all its branches and the enrollee is 60 years of age or older."

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 4605. Having been reproduced, was taken up and read by title a second time.

Representative Reitz offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 4605 on page 4, immediately below line 26, by inserting the following:

"Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 4642. 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 4642 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 22-50 as follows:

(105 ILCS 5/22-50 new)

Sec. 22-50. Twice-exceptional children; recommendations. The State Advisory Council on the Education of Children with Disabilities and the Advisory Council on the Education of Gifted and Talented Children shall research and discuss best practices for addressing the needs of "twice-exceptional" children, those who are gifted and talented and have a disability. The Councils shall then jointly make recommendations to the State Board of Education with respect to the State Board of Education providing guidance and technical assistance to school districts in furthering improved educational outcomes for gifted and twice-exceptional children. Recommendations shall include strategies to (i) educate teachers and other providers about the unique needs of this population, (ii) train teachers in target, research-based, identification and pedagogical methods, and (iii) establish guidelines for unique programming for twice-exceptional students.

Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

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 4644.

HOUSE BILL 4645. Having been reproduced, was taken up and read by title a second time.
The following amendment was offered in the Committee on Fire Protection, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4645 on page 2, by replacing lines 10 and 11 with the following:

"(d) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this subsection, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 4646. Having been reproduced, was taken up and read by title a second time.
Representative Moffitt offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 4646 on page 1, line 8, after "jointly" by inserting "with another unit of local government, school district, or community college district that is authorized to own and operate a wind generation turbine farm"; and
on page 1, line 12, after "Opportunity", by inserting ", the Illinois Power Agency,"; and
on page 1, line 20, after "jointly" by inserting "with another unit of local government, school district, or community college district that is authorized to own and operate a wind generation turbine farm"; and
on page 2, line 2, after "Opportunity", by inserting ", the Illinois Power Agency,"; and
on page 2, immediately below line 4, by inserting the following:

"Section 15. The School Code is amended by changing and renumbering Sections 10-20.40 and 34-18.34 as follows:

(105 ILCS 5/10-20.42)

Sec. 10-20.42 ~~10-20.40~~. Wind farm. A school district may own and operate a wind generation turbine farm, either individually or jointly with a unit of local government, school district, or community college district that is authorized to own and operate a wind generation turbine farm, that directly or indirectly reduces the energy or other operating costs of the school district. The school district may ask for the assistance of any State agency, including without limitation the State Board of Education, the Illinois Power Agency, or the Environmental Protection Agency, in obtaining financing options for a wind generation turbine farm.

(Source: P.A. 95-390, eff. 8-23-07; revised 12-7-07.)

(105 ILCS 5/34-18.36)

Sec. 34-18.36 ~~34-18.34~~. Wind farm. The school district may own and operate a wind generation turbine farm, either individually or jointly with a unit of local government, school district, or community college

district that is authorized to own and operate a wind generation turbine farm, that directly or indirectly reduces the energy or other operating costs of the school district. The school district may ask for the assistance of any State agency, including without limitation the State Board of Education, the Illinois Power Agency, or the Environmental Protection Agency, in obtaining financing options for a wind generation turbine farm.

(Source: P.A. 95-390, eff. 8-23-07; revised 12-7-07.)

Section 20. The Public Community College Act is amended by changing Section 3-42.3 as follows:

(110 ILCS 805/3-42.3)

Sec. 3-42.3. Wind farm. To own and operate a wind generation turbine farm, either individually or jointly with a unit of local government, school district, or community college district that is authorized to own and operate a wind generation turbine farm, that directly or indirectly reduces the energy or other operating costs of the community college district. The board may ask for the assistance of any State agency, including without limitation the State Board, the Illinois Power Agency, or the Environmental Protection Agency, in obtaining financing options for a wind generation turbine farm.

(Source: P.A. 95-390, eff. 8-23-07.)".

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 4674, 4675 and 4678.

HOUSE BILL 4518. Having been reproduced, was taken up and read by title a second time.

Representative Mautino offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 4518 on page 2, immediately below line 16, by inserting the following:

"(d) Within 60 days after the effective date of this amendatory Act of the 95th General Assembly, the duly elected members of a board of trustees of a library established under this Act may meet and appoint a sufficient number of persons to establish a quorum to conduct business. Those appointed shall serve as though elected and hold office only until the next regularly scheduled election for library trustee."

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 4692. 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 4692 on page 7, lines 5 and 7, by inserting after "hearing" wherever it appears "or hearing on the modification or revocation of mandatory supervised release of the person who committed the crime against the victim".

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 4693.

HOUSE BILL 4699. 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 4699 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Primary Stroke Center Designation Act.

Section 5. Findings. The General Assembly finds and declares that:

(1) Despite significant advances in diagnosis, treatment, and prevention, stroke remains the third highest killer in the United States. An estimated 700,000 to 750,000 new and recurrent strokes occur each year in this country; and with the aging of the population, the number of persons who have strokes is projected to increase each year. Stroke is the number 3 killer of Illinois residents and leads to the death of more than 7,500 citizens of Illinois each year and disables thousands more. Illinois, Indiana, and Ohio have higher stroke mortality rates than neighboring states Michigan, Minnesota, and Wisconsin.

(2) A level of stroke center should be established for the treatment of acute stroke.

Primary Stroke Centers should be established in acute care hospitals to evaluate, stabilize, and provide emergency care to patients with acute stroke.

(3) It is in the best interest of the residents of this State to have a program to designate stroke centers throughout the State, to provide specific patient care to ensure that stroke patients receive safe and effective care, and to provide financial support to acute care hospitals to maintain and develop stroke centers. Further it is in the best interest of the people of the State of Illinois to improve the State's emergency medical response system to assure that stroke victims may be quickly identified and transported to and treated in facilities that provide timely and appropriate treatment for stroke victims.

Section 10. Definitions. For purposes of this Act:

"Brain Attack Coalition" refers to the national group of professional, voluntary and governmental entities dedicated to reducing the occurrence, disability and death associated with stroke.

"Department" means the Illinois Department of Public Health.

"Director" means the Director of the Illinois Department of Public Health.

"Primary Stroke Center" means a hospital that has been designated by the Joint Commission, or other nationally recognized accrediting body as approved by the Illinois Department of Public Health, or by the Director of the Department of Public Health as qualifying and maintaining conformance with the requirements of this Act.

Section 15. Designation of Primary Stroke Centers.

(a) The Department shall recognize a hospital as a Primary Stroke Center if the hospital meets any of the following criteria:

(1) is designated a Primary Stroke Center by the Joint Commission;

(2) is designated a Primary Stroke Center by a nationally recognized accrediting body as approved by the Department, provided that the criteria for Primary Stroke Center certification of the accrediting body are consistent with the most recent criteria established by the Brain Attack Coalition; or

(3) is designated as a Primary Stroke Center by the Department. The Department may designate a hospital as a Primary Stroke Center, provided that the Department's criteria for Primary Stroke Center certification are consistent with the most recent criteria established by the Brain Attack Coalition.

(b) Each hospital designated a Primary Stroke Center shall notify the Department of its designation within 30 days after receiving that designation. Each hospital shall notify the Department if it ceases to be a Primary Stroke Center, within 30 days after it ceases having that designation.

Section 20. Grants.

(a) In order to encourage and ensure the establishment of Primary Stroke Centers throughout the State, the Director may award matching grants to hospitals that have been designated Primary Stroke Centers or that seek designation as Primary Stroke Centers, to be used for necessary infrastructure, including personnel and equipment, or to meet the fee requirements for accreditation surveys in order to satisfy the criteria for designation. A matching grant shall not exceed \$250,000 or 50% of the hospital's cost for the necessary infrastructure, whichever is less.

(b) A hospital seeking designation as a Primary Stroke Center may apply to the Director for a matching

grant in a manner and form designated by the Director and shall provide information as the Director deems necessary to determine if the hospital is eligible for the grant.

(c) Matching grant awards shall be made to Primary Stroke Centers, placing greatest priority on facilities in areas with high stroke morbidity rates and achieving geographic diversity where possible.

Section 25. Reporting.

(a) The Director shall, not later than July 1, 2010, prepare and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report indicating the total number of hospitals that have applied for grants under Section 20 of this Act, the project for which the application was submitted, the number of those applicants that have been found eligible for the grants, the total number of grants awarded, the name and address of each grantee, and the amount of the award issued to each grantee.

(b) The Director shall, not later than September 1, 2009, prepare and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report indicating, as of August 1, 2009, the total number of hospitals that have attained Primary Stroke Center designation and the accrediting body through which Primary Stroke Center designations were attained.

(c) By September 1, 2009, the Director shall send the list of designated Primary Stroke Centers to the medical director of each licensed emergency medical services provider in this State and shall post a list of designated Primary Stroke Centers on the Department's website.

(d) The Department shall add Primary Stroke Centers immediately to the website listing upon notice to the Department; any Primary Stroke Center whose designation is revoked shall be removed from the website listing immediately upon notice to the Department.

(e) Each Primary Stroke Center shall semiannually report to the Department data collected to fulfill its designation requirements. The report shall comply with the following:

(1) Primary Stroke Centers may provide complete copies of the same reports they submit to the Joint Commission or other accrediting body, provided the data collected and reported substantially matches data reporting requirements established by the Brain Attack Coalition. The Department shall access this information directly from an accrediting body provided that the Primary Stroke Center has granted the Department permission to do so. The Department shall provide the Primary Stroke Center with a copy of the data received from the accreditation body so the Primary Stroke Center can verify its accuracy.

(2) The aggregate data shall be made available to any and all government agencies or contractors of government agencies that have responsibility for the management and administration of emergency medical services throughout the State. However, such data shall not be a public record within the meaning contained in the Illinois Freedom of Information Act.

(3) The Department shall compile the data and report it in aggregate form to be posted annually on its website. The results of this report may be used by the Department to conduct training regarding best practices in the treatment of stroke.

(4) The data specific to a Primary Stroke Center shall be made available to other individuals only if that Primary Stroke Center provides the Department written authorization for the release of the data.

Section 30. Emergency medical services providers; triage and transportation of stroke victims to a Primary Stroke Center.

(a) The Director shall submit a proposed stroke assessment tool to the General Assembly for approval pursuant to Section 45 of this Act. Upon approval by the General Assembly, the Director shall distribute the standardized stroke assessment tool. The Director must post this stroke assessment tool on the Department's website and provide a copy of the assessment tool to each licensed emergency medical services provider no later than January 15, 2010. Each licensed emergency medical services provider must use a stroke-triage assessment tool that conforms with and is substantially similar to the sample stroke-triage assessment tool provided by the Department.

(b) The Director shall work with Primary Stroke Centers and emergency medical providers to establish protocols related to the assessment, treatment, and transport of stroke patients by licensed emergency medical services providers in this State. Such protocols shall include regional transport plans for the triage and transport of stroke patients to the closest, most appropriate facility, including the bypass of health care facilities not designated as Primary Stroke Centers when it is safe to do so.

(c) Each emergency medical services provider licensed in the State shall comply with the protocols established by the Director related to the assessment, treatment, and transport of stroke patients by licensed emergency medical services providers in the State and with all of the Sections of this Act by March 1, 2010.

Section 35. Restricted practices. This Act is not a medical practice guideline and may not be used to restrict the authority of a hospital to provide services for which it has received a license under State law. The General Assembly intends that all patients be treated individually based on each patient's needs and circumstances.

Section 40. Authorization to advertise. A person may not claim or advertise to the public, by way of any medium whatsoever, that a hospital is a Primary Stroke Center unless the hospital is designated a Primary Stroke Center in accordance with this Act.

Section 45. No authority to make or promulgate rules. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this Act. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this Act, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this Act shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this Act, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

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 4700.

HOUSE BILL 4705. 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 4705 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 2-3.71 as follows:

(105 ILCS 5/2-3.71) (from Ch. 122, par. 2-3.71)

Sec. 2-3.71. Grants for preschool educational programs.

(a) Preschool program.

(1) The State Board of Education shall implement and administer a grant program under the provisions of this subsection which shall consist of grants to public school districts and other eligible entities, as defined by the State Board of Education, to conduct voluntary preschool educational programs for children ages 3 to 5 which include a parent education component. A public school district which receives grants under this subsection may subcontract with other entities that are eligible to conduct a preschool educational program. These grants must be used to supplement, not supplant, funds received from any other source.

(2) (Blank).

(3) Any teacher of preschool children in the program authorized by this subsection shall hold an early childhood teaching certificate.

(4) This paragraph (4) applies before July 1, 2006 and after June 30, 2010 ~~2008~~. The State Board of Education shall provide the primary source of funding through appropriations for the program. Such funds shall be distributed for the benefit of children who because of their home and community environment are subject to such language, cultural, economic and like disadvantages that they have been determined as a result of screening procedures to be at risk of academic failure. Such screening procedures shall be based on criteria established by the State Board of Education.

(4.5) This paragraph (4.5) applies from July 1, 2006 through June 30, 2010 ~~2008~~. The State Board of Education shall provide the primary source of funding through appropriations for the program. Such funds shall be distributed to achieve a goal of "Preschool for All Children" for the benefit of all

children whose families choose to participate in the program. Based on available appropriations, newly funded programs shall be selected through a process giving first priority to qualified programs serving primarily at-risk children and second priority to qualified programs serving primarily children with a family income of less than 4 times the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2). For purposes of this paragraph (4.5), at-risk children are those who because of their home and community environment are subject to such language, cultural, economic and like disadvantages to cause them to have been determined as a result of screening procedures to be at risk of academic failure. Such screening procedures shall be based on criteria established by the State Board of Education.

~~On or before November 1 of each fiscal year in which the General Assembly provides funding for new programs under this paragraph (4.5), the State Board of Education shall report to the General Assembly on what percentage of new funding was provided to programs serving primarily at-risk children, what percentage of new funding was provided to programs serving primarily children with a family income of less than 4 times the federal poverty level, and what percentage of new funding was provided to other programs.~~

(5) The State Board of Education shall develop and provide evaluation tools, including tests, that school districts and other eligible entities may use to evaluate children for school readiness prior to age 5. The State Board of Education shall require school districts and other eligible entities to obtain consent from the parents or guardians of children before any evaluations are conducted. The State Board of Education shall encourage local school districts and other eligible entities to evaluate the population of preschool children in their communities and provide preschool programs, pursuant to this subsection, where appropriate.

(6) The State Board of Education shall report to the General Assembly by November 1, 2010 ~~July 1, 2007~~ and every 3

years thereafter on the results and progress of students who were enrolled in preschool educational programs, including an assessment of which programs have been most successful in promoting academic excellence and alleviating academic failure. The State Board of Education shall assess the academic progress of all students who have been enrolled in preschool educational programs.

On or before November 1 of each fiscal year in which the General Assembly provides funding for new programs under paragraph (4.5) of this Section, the State Board of Education shall report to the General Assembly on what percentage of new funding was provided to programs serving primarily at-risk children, what percentage of new funding was provided to programs serving primarily children with a family income of less than 4 times the federal poverty level, and what percentage of new funding was provided to other programs.

(b) (Blank).

(Source: P.A. 94-506, eff. 8-8-05; 94-1054, eff. 7-25-06.)

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 4710. 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 4710 as follows:
on page 3, immediately below line 7, by inserting the following:

"(e) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such

authority is not otherwise explicitly given. For the purposes of this subsection, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."; and on page 5, immediately below line 7, by inserting the following:

"(g) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this subsection, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."; and

on page 9, immediately below line 13, by inserting the following:

"(e) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this subsection, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was held on the order of Second Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 4716.

HOUSE BILL 4726. 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 4726 on page 1, in lines 9, 12, 14, 20, and 23, by changing "employee" to "government employee" each time it appears; and on page 2, in line 2, by changing "employee" to "government employee".

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 4745. 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 4745 on page 1, line 5, by replacing "Sections 309 and" with "Section"; and
 by deleting lines 6 through 23 on page 1 and lines 1 through 24 on page 2; and
 on page 4, by replacing lines 5 and 6 with the following:
 "be filled more than 90 7 days after the date of issuance. A"; and
 on page 10, by inserting immediately below line 22 the following:

"(k) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this Section, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 4747. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Housing and Urban Development, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4747 on page 1, after line 19, by inserting the following:

"(e) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 4765. 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 4765 on page 2, by inserting below line 6 the following:

"(5) A database of all current State contracts, sorted separately by contractor name, awarding officer or agency, contract value, and goods or services provided."

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 4767 and 4768.

HOUSE BILL 4769. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 4769 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 22-45 as follows:

(35 ILCS 200/22-45)

(Text of Section before amendment by P.A. 95-477)

Sec. 22-45. Tax deed incontestable unless order appealed or relief petitioned. Tax deeds issued under Section 22-40 are incontestable except by appeal from the order of the court directing the county clerk to issue the tax deed. However, relief from such order may be had under Section 2-1401 of the Code of Civil Procedure in the same manner and to the same extent as may be had under that Section with respect to final orders and judgments in other proceedings. The grounds for relief under Section 2-1401 shall be limited to:

- (1) proof that the taxes were paid prior to sale;
- (2) proof that the property was exempt from taxation;
- (3) proof by clear and convincing evidence that the tax deed had been procured by fraud or deception by the tax purchaser or his or her assignee; or
- (4) proof by a person or party holding a recorded ownership or other recorded interest

in the property that he or she was not named as a party in the publication notice as set forth in Section 22-20, and that the tax purchaser or his or her assignee did not make a diligent inquiry and effort to serve that person or party with the notices required by Sections 22-10 through 22-30.

In cases of the sale of homestead property ~~in counties with 3,000,000 or more inhabitants~~, a tax deed may also be voided by the court upon petition, filed not more than 3 months after an order for tax deed was entered, if the court finds that the property was owner occupied on the expiration date of the period of redemption and that the order for deed was effectuated pursuant to a negligent or willful error made by an employee of the county clerk or county collector during the period of redemption from the sale that was reasonably relied upon to the detriment of any person having a redeemable interest. In such a case, the tax purchaser shall be entitled to the original amount required to redeem the property plus interest from the sale as of the last date of redemption together with costs actually expended subsequent to the expiration of the period of redemption and reasonable attorney's fees, all of which shall be dispensed from the fund created by Section 21-295. In those cases of error where the court vacates the tax deed, it may award the petitioner reasonable attorney's fees and court costs actually expended, payable from that fund. The court hearing a petition filed under this Section or Section 2-1401 of the Code of Civil Procedure may concurrently hear a petition filed under Section 21-295 and may grant relief under either Section.

Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

(Source: P.A. 92-224, eff. 1-1-02.)

(Text of Section after amendment by P.A. 95-477)

Sec. 22-45. Tax deed incontestable unless order appealed or relief petitioned. Tax deeds issued under Section 22-40 are incontestable except by appeal from the order of the court directing the county clerk to issue the tax deed. However, relief from such order may be had under Sections 2-1203 or 2-1401 of the Code of Civil Procedure in the same manner and to the same extent as may be had under those Sections with respect to final orders and judgments in other proceedings. The grounds for relief under Section 2-1401 shall be limited to:

- (1) proof that the taxes were paid prior to sale;
- (2) proof that the property was exempt from taxation;
- (3) proof by clear and convincing evidence that the tax deed had been procured by fraud or deception by the tax purchaser or his or her assignee; or
- (4) proof by a person or party holding a recorded ownership or other recorded interest

in the property that he or she was not named as a party in the publication notice as set forth in Section 22-20, and that the tax purchaser or his or her assignee did not make a diligent inquiry and effort to serve that person or party with the notices required by Sections 22-10 through 22-30.

In cases of the sale of homestead property ~~in counties with 3,000,000 or more inhabitants~~, a tax deed may also be voided by the court upon petition, filed not more than 3 months after an order for tax deed was entered, if the court finds that the property was owner occupied on the expiration date of the period of redemption and that the order for deed was effectuated pursuant to a negligent or willful error made by an employee of the county clerk or county collector during the period of redemption from the sale that was reasonably relied upon to the detriment of any person having a redeemable interest. In such a case, the tax purchaser shall be entitled to the original amount required to redeem the property plus interest from the sale as of the last date of redemption together with costs actually expended subsequent to the expiration of the period of redemption and reasonable attorney's fees, all of which shall be dispensed from the fund created by Section 21-295. In those cases of error where the court vacates the tax deed, it may award the petitioner reasonable attorney's fees and court costs actually expended, payable from that fund. The court hearing a petition filed under this Section or Section 2-1401 of the Code of Civil Procedure may concurrently hear a petition filed under Section 21-295 and may grant relief under any Section.

This amendatory Act of the 95th General Assembly shall be construed as being declarative of existing law and not as a new enactment.

Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

(Source: P.A. 95-477, eff. 6-1-08.)

Section 10. The Conveyances Act is amended by changing Section 35d as follows:

(765 ILCS 5/35d)

Sec. 35d. Execution; permanent index number. ~~Whenever in a county with 3,000,000 or more inhabitants, whenever~~ any deed or instrument of conveyance is executed, the grantor of residential property shall provide the grantee of the property with an individual permanent index number or numbers that specifically represent the legal description provided for in the deed or instrument of conveyance. If the individual permanent index number or numbers do not specifically represent the legal description in the deed or instrument of conveyance, the grantor shall provide one of the following:

- (1) proof that a proper application for division which requests division of property, a portion of which would result in a permanent index number or numbers that represent the legal description found in the deed or instrument of conveyance, has been filed with the county assessor;
- (2) a recorded plat of subdivision that would result in the issuance of a permanent index number or numbers as described in subdivision (1); or

(3) a recorded condominium declaration that would result in the issuance of a permanent index number or numbers as described in subdivision (1).

If the grantor fails to provide the grantee with either a permanent index number or numbers that represent the legal description found in the deed or instrument of conveyance or one of the documents listed in subdivision (1), (2), or (3), the grantor shall be personally liable to the grantee for taxes pursuant to Section 1-145 of the Property Tax Code and attorney's fees. The grantor's liability shall continue to accrue until the permanent index number or numbers that represent the legal description found in the deed or instrument of conveyance or one of the documents listed in subdivision (1), (2), or (3) is delivered to the grantee. The grantor's failure to provide the permanent index number or numbers shall not invalidate the deed or instrument of conveyance. A receipt from the county assessor confirming that a proper application has been filed and that it meets the requirements set by the county assessor shall be deemed to be evidence of proper application for division.

Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.
(Source: P.A. 92-450, eff. 8-21-01.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public 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.

HOUSE BILL 4779. 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 4779 on page 7, immediately below line 24, by inserting the following:

"Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 4791. 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 4791 on page 3, by inserting immediately below line 13 the following:

"(a-8) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provisions of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section."

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 held on the order of Second Reading: HOUSE BILL 4807.

HOUSE BILL 4812. 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 4812 on page 1, immediately below line 23, by inserting the following:

"Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

Floor Amendment No. 2 was recommended be adopted by the Committee on Rules.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was held on the order of Second Reading.

HOUSE BILL 4822. 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 4822 on page 4, immediately below line 6, by inserting the following:

"(d) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 4861 and 4866.

HOUSE BILL 4881. Having been reproduced, was taken up and read by title a second time.
The following amendment was offered in the Committee on Bio-Technology, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4881 on page 5, immediately below line 16, by inserting the following:

"Section 45. No rulemaking. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this Act. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this Act, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this Act shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this Section, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 4890. 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 4890 on page 1, line 5, after "20", by inserting "and by adding Section 17"; and
on page 2, immediately below line 7, by inserting the following:

"(20 ILCS 450/17 new)

Sec. 17. Exemption from Act. This Act does not apply to the legislative branch of State government, the Office of the Lieutenant Governor, the Office of the Attorney General, the Office of the Secretary of State, the Office of the State Comptroller, or the Office of the State Treasurer."

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 4920. 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 4920 on page 2, line 21 by changing "may not" to "must be reduced to an amount not to".

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 4940. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 4940 on page 2, by replacing lines 7 and 8 with the following:

"a reasonably designed program for wellness coverage that allows for a reduction in premiums or reduced";
and

on page 2, line 14, by replacing "program." with "program. Individuals unable to participate in wellness program standards, due to an adverse health factor, shall not be penalized based upon their adverse health status."; and

on page 2, by deleting lines 15 through 18; and

on page 3, by replacing lines 3 through 5 with the following:

"(d) For purposes of this Section, "reasonably designed program" means a program of wellness coverage that (1) has a reasonable chance of improving health or preventing disease, (2) is not overly burdensome, (3) does not discriminate based upon factors of health, and (4) is not otherwise contrary to law.

(e) A plan offering wellness coverage must give participants the opportunity to qualify for offered incentives at least once a year.

(f) A plan offering wellness coverage must allow a reasonable alternative to any individual for whom it is unreasonably difficult, due to a medical condition, to satisfy otherwise applicable wellness program standards. Plans may seek physician verification that health factors make it unreasonably difficult or medically inadvisable for the participant to satisfy the standards.

(g) The total incentive under a wellness program shall not exceed 20% of the cost of employee-only coverage. The cost of employee-only coverage includes both employer and employee contributions. For plans offering family coverage, the 20% limitation applies to cost of family coverage and applies to the entire family.

(h) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 4943. 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 4943 on page 1, line 5, by replacing "Sections 25 and 30" with "Section 30"; and
on page 1, by deleting lines 6 through 16; and
on page 2, immediately below line 7, by inserting the following:

"Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 4956.

HOUSE BILL 4964. 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 4964 on page 11, by inserting immediately below line 5 the following:

"Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this Section, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 4992.

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: HOUSE BILL 4999.

HOUSE BILL 5000. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Computer Technology, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5000 on page 1, line 14, by deleting "by rule"; and on page 2, lines 6 and 7, by replacing "establish a procedure and develop criteria" with "provide"; and by replacing line 26 on page 4 through line 2 on page 5 with the following:

"(3) community leaders; and

(4) parents."; and

on page 6, immediately below line 22, by inserting the following:

"Section 27. No authority to make or promulgate rules. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this Act. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this Act, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this Act shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this Act, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

AMENDMENT NO. 2. Amend House Bill 5000 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Children's Low-cost Laptop Act.

Section 5. Policy and purpose. The General Assembly finds that the decreasing cost of computer technology makes it possible today to equip more children than ever before with 21st century learning tools. The dramatic expansion of low-cost computing options and the worldwide reliance on computer technology for commerce, education, information, and social interaction makes it ever more important to introduce computing skills to students at an early age. Accordingly, the State Board of Education shall establish a pilot project to provide a low-cost laptop computer to each student, teacher, and relevant administrator in a participating elementary school and implement the use of educational software and computer skills training in order to improve academic achievement and the progress measures listed in subsection (a) of Section 20 in this Act.

Section 10. Definitions. In this Act:

"Elementary school" means any school that maintains grades one through 6.

"Low-cost laptop" means a portable personal computer suitable for use among elementary school-aged children, under \$400 in initial cost.

"State Board" means the State Board of Education.

Section 15. Pilot project; Elementary Students' Low-cost Laptop Fund.

(a) The State Board shall establish a procedure and develop criteria for the administration of a low-cost laptop pilot project. The pilot project shall be for a period of at least 2 years. In administering the pilot project, the State Board shall:

(1) select participating elementary schools;

(2) define the conditions for the distribution and use of laptop computers and other technologies;

(3) coordinate a statewide grant program to purchase and distribute laptop computers and

other technologies;

(4) monitor local pilot project implementation; and

(5) conduct a final evaluation of the pilot project.

(b) The Elementary Students' Low-Cost Laptop Fund is created as a special fund in the State treasury. All money in this Fund shall be used, subject to appropriation, by the State Board for the pilot project. To implement the pilot project, the State Board may use any funds appropriated by the General Assembly for the purposes of the pilot project, as well as any gift, grant, or donation given for the pilot project. The State Board may solicit and accept a gift, grant, or donation of any kind from any source, including from a foundation, private entity, governmental entity, or institution of higher education, for the implementation of the pilot project. Funds for the pilot project may not be used for the construction of a building or other facility. The State Board shall use pilot project funds for the following:

(1) low-cost laptop computers;

(2) replacements for any of the following low-cost laptop components: batteries, power cords, or other software and hardware; and

(3) the hiring of staff to administer professional development and technical support for participating teachers; for the purposes of this item (3), "professional development" means the training of certified teaching professionals in the integration of low-cost laptop computers into the classroom curriculum.

The State Board may not allocate more than \$100 million for the pilot project. The pilot project may be implemented only if sufficient funds are available under this Section for that purpose.

Section 20. Program participation requirements. A school or district may apply to the State Board for the establishment of a low-cost laptop pilot project grant for an entire school or for a particular grade or group of classrooms in a school.

The State Board shall select up to 300 schools to participate in the pilot project. At least one-third of the selected schools shall be located in the City of Chicago; at least one-third shall be located in the area that makes up the counties of DuPage, Kane, Lake, McHenry, Will, and that portion of Cook County that is located outside of the City of Chicago; and at least one-third shall be located in the remainder of the State.

The State Board shall select the participating districts or schools for the pilot project based on each district's or school's need for the pilot project. In selecting participants, the State Board shall consider each school's:

(1) free and reduced lunch eligible student population;

(2) access to educational technology resources;

(3) rate of satisfactory performance on standardized tests;

(4) readiness to incorporate technology into its classrooms;

(5) availability of technology support staff and professional development funds; and

(6) planned methods of measuring the progress of the pilot project.

Section 25. Reporting.

(a) The school board of each school participating in the pilot project shall send an annual progress report to the State Board no later than August 1 of each year that the school is participating in the pilot project. The report must include the project's effect on:

(1) academic progress of students who are participating in the pilot project, as measured by performance on assessment instruments;

(2) student progress in schools or classrooms participating in the pilot project as compared with student progress in schools or classrooms not participating;

(3) student performance on assessment instruments required by the State Board;

(4) school cost savings on textbook or other purchases replaced by laptop abilities;

(5) attendance rates;

(6) teacher performance and retention;

(7) communications among students, teachers, parents, and administrators;

(8) parental involvement in education;

(9) community involvement and support for the school; and

(10) student proficiency in technologies or "computer literacy".

(b) Each school or district participating in the grant pilot project shall determine how the low-cost laptops are assigned and retained.

(c) After the expiration of the pilot project, the State Board shall review the project based on the annual reports the State Board receives from the school board of participating school districts.

Section 30. Repeal. This Act is repealed on August 31, 2011.

Section 90. The State Finance Act is amended by adding Section 5.708 as follows:

(30 ILCS 105/5.708 new)

Sec. 5.708. The Elementary Students' Low-cost Laptop Fund. This Section is repealed on August 31, 2011.

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

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 5022.

HOUSE BILL 5038. 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 5038 on page 2, line 12, after the period, by inserting the following:

"Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 5074 and 5076.

HOUSE BILL 5077. 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 5077 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-17a as follows:

(105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

Sec. 10-17a. Better schools accountability.

(1) Policy and Purpose. It shall be the policy of the State of Illinois that each school district in this State, including special charter districts and districts subject to the provisions of Article 34, shall submit to parents, taxpayers of such district, the Governor, the General Assembly, and the State Board of Education a school report card assessing the performance of its schools and students. The report card shall be an index

of school performance measured against statewide and local standards and will provide information to make prior year comparisons and to set future year targets through the school improvement plan.

(2) Reporting Requirements. Each school district shall prepare a report card in accordance with the guidelines set forth in this Section which describes the performance of its students by school attendance centers and by district, its teachers, and the district's financial resources and use of financial resources. Such report card shall be presented at a regular school board meeting subject to applicable notice requirements, posted on the school district's Internet web site, if the district maintains an Internet web site, made available to a newspaper of general circulation serving the district, and, upon request, sent home to a parent (unless the district does not maintain an Internet web site, in which case the report card shall be sent home to parents without request). If the district posts the report card on its Internet web site, the district shall send a written notice home to parents stating (i) that the report card is available on the web site, (ii) the address of the web site, (iii) that a printed copy of the report card will be sent to parents upon request, and (iv) the telephone number that parents may call to request a printed copy of the report card. In addition, each school district shall submit the completed report card to the office of the district's Regional Superintendent which shall make copies available to any individuals requesting them.

The report card shall be completed and disseminated prior to October 31 in each school year. The report card shall contain, but not be limited to, actual local school attendance center, school district and statewide data indicating the present performance of the school, the State norms and the areas for planned improvement for the school and school district.

(3) (a) The report card shall include the following applicable indicators of attendance center, district, and statewide student performance: percent of students who exceed, meet, or do not meet standards established by the State Board of Education pursuant to Section 2-3.25a; composite and subtest means on nationally normed achievement tests for college bound students; student attendance rates; chronic truancy rate; dropout rate; graduation rate; and student mobility, turnover shown as a percent of transfers out and a percent of transfers in.

(b) The report card shall include the following descriptions for the school, district, and State: average class size; amount of time per day devoted to mathematics, science, English and social science at primary, middle and junior high school grade levels; number of students taking the Prairie State Achievement Examination under subsection (c) of Section 2-3.64, the number of those students who received a score of excellent, and the average score by school of students taking the examination; pupil-teacher ratio; pupil-administrator ratio; operating expenditure per pupil; district expenditure by fund; average administrator salary; ~~and~~ average teacher salary ; ~~and the number of teachers who hold a Master Certificate.~~ The report card shall also specify the amount of money that the district receives from all sources, including without limitation subcategories specifying the amount from local property taxes, the amount from general State aid, the amount from other State funding, and the amount from other income.

(c) The report card shall include applicable indicators of parental involvement in each attendance center. The parental involvement component of the report card shall include the percentage of students whose parents or guardians have had one or more personal contacts with the students' teachers during the school year concerning the students' education, and such other information, commentary, and suggestions as the school district desires. For the purposes of this paragraph, "personal contact" includes, but is not limited to, parent-teacher conferences, parental visits to school, school visits to home, telephone conversations, and written correspondence. The parental involvement component shall not single out or identify individual students, parents, or guardians by name.

(d) The report card form shall be prepared by the State Board of Education and provided to school districts by the most efficient, economic, and appropriate means.

(Source: P.A. 95-331, eff. 8-21-07.)

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 5082.

HOUSE BILL 5102. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 5102 on page 5, line 17, by replacing "(c)The" with "(c)The"; and on page 8, immediately below line 11, by inserting the following:

"Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 5108. 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 5108 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 4-205 as follows:

(625 ILCS 5/4-205) (from Ch. 95 1/2, par. 4-205)

Sec. 4-205. Record searches.

(a) When a law enforcement agency authorizing the impounding of a vehicle does not know the identity of the registered owner, lienholder or other legally entitled person, that law enforcement agency will cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State for the purpose of obtaining the required ownership information.

(b) The law enforcement agency authorizing the impounding of a vehicle will cause the stolen motor vehicle files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information on the vehicle. When the State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the State Police. The information determined from these record searches will be returned to the requesting law enforcement agency for that agency's use in sending a notification by certified mail to the registered owner, lienholder and other legally entitled persons advising where the vehicle is held, requesting a disposition be made and setting forth public sale information. Notification shall be sent no later than 10 business days after the date the law enforcement agency impounds or authorizes the impounding of a vehicle, provided that if the law enforcement agency is unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle within a 10 business day period after impoundment, then notification shall be sent no later than 2 days after the date the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle is determined. Exceptions to a notification by certified mail to the registered owner, lienholder and other legally entitled persons are set forth in Section 4-209 of this Code.

(c) When ownership information is needed for a towing service to give notification as required under this Code, the towing service may cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State, and in such case, the towing service also shall give notice to all lienholders of record within the time period required for such other notices.

The written request of a towing service, in the form and containing the information prescribed by the

Secretary of State by rule, may be transmitted to the Secretary of State in person, by U.S. mail or other delivery service, by facsimile transmission, or by other means the Secretary of State deems acceptable.

The Secretary of State shall provide the required information, or a statement that the information was not found in the vehicle registration records of the State, by U.S. mail or other delivery service, facsimile transmission, as requested by the towing service, or by other means acceptable to the Secretary of State.

(d) The Secretary of State may prescribe standards and procedures for submission of requests for record searches and replies via computer link.

(e) Fees for services provided under this Section shall be in amounts prescribed by the Secretary of State under Section 3-821.1 of this Code. Payment may be made by the towing service using cash, any commonly accepted credit card, or any other means of payment deemed acceptable by the Secretary of State.

(Source: P.A. 89-179, eff. 1-1-96; 89-433, eff. 12-15-95.)

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 5109. 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 5109 on page 2, by replacing lines 8 through 10 with the following:

"incentive in the form of State financial aid.

(d) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 5115. 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 5115 on page 4, by replacing lines 10 through 22 with the following:

"(105 ILCS 60/500)

Sec. 500. Rules. The State Board of Education may adopt any rules that are necessary to implement and administer this Act as it exists before the effective date of this amendatory Act of the 95th General Assembly. Notwithstanding any other rulemaking authority that may exist, neither the Governor or Lieutenant Governor nor any agency or agency head under the jurisdiction of the Governor or Lieutenant Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor or Lieutenant Governor believes

that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor or Lieutenant Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor or Lieutenant Governor.
(Source: P.A. 94-904, eff. 6-22-06.)".

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.

HOUSE BILL 5150. 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 5150 on page 2, immediately below line 2, by inserting the following:

"(c) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this subsection, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

Representative William Davis offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 5150 on page 1, line 13, by changing "must" to "may".

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 5013. Having been reproduced, was taken up and read by title a second time.
Representative Meyer moved that the Balanced Budget Note is inapplicable.
And on that motion, a vote was taken resulting as follows:
106, Yeas; 1, Nay; 0, Answering Present.
(ROLL CALL 2)
The motion prevailed.

There being no further action pending, the bill was advanced to the order of Third Reading.

HOUSE BILL 5151. Having been reproduced, was taken up and read by title a second time.

Representative William Davis moved that the Balanced Budget Note is inapplicable.
And on that motion, a vote was taken resulting as follows:
106, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 3)
The motion prevailed.

There being no further action pending, the bill was advanced to the order of Third Reading.

HOUSE BILL 5095. Having been reproduced, was taken up and read by title a second time.
Representative Lang moved that the Balanced Budget Note is inapplicable.
And on that motion, a vote was taken resulting as follows:
104, Yeas; 2, Nays; 0, Answering Present.
(ROLL CALL 4)
The motion prevailed.

There being no further action pending, the bill was advanced to the order of Third Reading.

HOUSE BILL 5193. Having been reproduced, was taken up and read by title a second time.
The following amendments were offered in the Committee on Health Care Availability and Access,
adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5193 by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by changing Section 10.4 as follows:
(210 ILCS 85/10.4) (from Ch. 111 1/2, par. 151.4)

Sec. 10.4. Medical staff privileges.

(a) Any hospital licensed under this Act or any hospital organized under the University of Illinois Hospital Act shall, prior to the granting of any medical staff privileges to an applicant, or renewing a current medical staff member's privileges, request of the Director of Professional Regulation information concerning the licensure status and any disciplinary action taken against the applicant's or medical staff member's license, except: (1) for medical personnel who enter a hospital to obtain organs and tissues for transplant from a donor in accordance with the Illinois Anatomical Gift Act; or (2) for medical personnel who have been granted disaster privileges pursuant to the procedures and requirements established by rules adopted by the Department. Any hospital and any employees of the hospital or others involved in granting privileges who, in good faith, grant disaster privileges pursuant to this Section to respond to an emergency shall not, as a result of their acts or omissions, be liable for civil damages for granting or denying disaster privileges except in the event of willful and wanton misconduct, as that term is defined in Section 10.2 of this Act. Individuals granted privileges who provide care in an emergency situation, in good faith and without direct compensation, shall not, as a result of their acts or omissions, except for acts or omissions involving willful and wanton misconduct, as that term is defined in Section 10.2 of this Act, on the part of the person, be liable for civil damages. The Director of Professional Regulation shall transmit, in writing and in a timely fashion, such information regarding the license of the applicant or the medical staff member, including the record of imposition of any periods of supervision or monitoring as a result of alcohol or substance abuse, as provided by Section 23 of the Medical Practice Act of 1987, and such information as may have been submitted to the Department indicating that the application or medical staff member has been denied, or has surrendered, medical staff privileges at a hospital licensed under this Act, or any equivalent facility in another state or territory of the United States. The Director of Professional Regulation shall define by rule the period for timely response to such requests.

No transmittal of information by the Director of Professional Regulation, under this Section shall be to other than the president, chief operating officer, chief administrative officer, or chief of the medical staff of a hospital licensed under this Act, a hospital organized under the University of Illinois Hospital Act, or a hospital operated by the United States, or any of its instrumentalities. The information so transmitted shall be afforded the same status as is information concerning medical studies by Part 21 of Article VIII of the Code of Civil Procedure, as now or hereafter amended.

(b) All hospitals licensed under this Act, except county hospitals as defined in subsection (c) of Section 15-1 of the Illinois Public Aid Code, shall comply with, and the medical staff bylaws of these hospitals

shall include rules consistent with, the provisions of this Section in granting, limiting, renewing, or denying medical staff membership and clinical staff privileges. Hospitals that require medical staff members to possess faculty status with a specific institution of higher education are not required to comply with subsection (1) below when the physician does not possess faculty status.

(1) Minimum procedures for pre-applicants and applicants for medical staff membership shall include the following:

(A) Written procedures relating to the acceptance and processing of pre-applicants or applicants for medical staff membership, which should be contained in medical staff bylaws.

(B) Written procedures to be followed in determining a pre-applicant's or an applicant's qualifications for being granted medical staff membership and privileges.

(C) Written criteria to be followed in evaluating a pre-applicant's or an applicant's qualifications.

(D) An evaluation of a pre-applicant's or an applicant's current health status and current license status in Illinois.

(E) A written response to each pre-applicant or applicant that explains the reason or reasons for any adverse decision (including all reasons based in whole or in part on the applicant's medical qualifications or any other basis, including economic factors).

(2) Minimum procedures with respect to medical staff and clinical privilege determinations concerning current members of the medical staff shall include the following:

(A) A written notice of an adverse decision.

(B) An explanation of the reasons for an adverse decision including all reasons based on the quality of medical care or any other basis, including economic factors.

(C) A statement of the medical staff member's right to request a fair hearing on the adverse decision before a hearing panel whose membership is mutually agreed upon by the medical staff and the hospital governing board. The hearing panel shall have independent authority to recommend action to the hospital governing board. Upon the request of the medical staff member or the hospital governing board, the hearing panel shall make findings concerning the nature of each basis for any adverse decision recommended to and accepted by the hospital governing board.

(i) Nothing in this subparagraph (C) limits a hospital's or medical staff's right to summarily suspend, without a prior hearing, a person's medical staff membership or clinical privileges if the continuation of practice of a medical staff member constitutes an immediate danger to the public, including patients, visitors, and hospital employees and staff. In the event that a hospital or the medical staff imposes a summary suspension, the Medical Executive Committee, or other comparable governance committee of the medical staff as specified in the bylaws, must meet as soon as is reasonably possible to review the suspension and to recommend whether it should be affirmed, lifted, expunged, or modified if the suspended physician requests such review. A summary suspension may not be implemented unless there is actual documentation or other reliable information that an immediate danger exists. This documentation or information must be available at the time the summary suspension decision is made and when the decision is reviewed by the Medical Executive Committee. If the Medical Executive Committee recommends that the summary suspension should be lifted, expunged, or modified, this recommendation must be reviewed and considered by the hospital governing board, or a committee of the board, on an expedited basis. Nothing in this subparagraph (C) shall affect the requirement that any requested hearing must be commenced within 15 days after the summary suspension and completed without delay unless otherwise agreed to by the parties. A fair hearing shall be commenced within 15 days after the suspension and completed without delay, except that when the medical staff member's license to practice has been suspended or revoked by the State's licensing authority, no hearing shall be necessary.

(ii) Nothing in this subparagraph (C) limits a medical staff's right to permit, in the medical staff bylaws, summary suspension of membership or clinical privileges in designated administrative circumstances as specifically approved by the medical staff. This bylaw provision must specifically describe both the administrative circumstance that can result in a summary suspension and the length of the summary suspension. The opportunity for a fair hearing is required for any administrative summary suspension. Any requested hearing must be commenced within 15 days after the summary suspension and completed without delay. Adverse decisions other than suspension or other restrictions on the treatment or admission of patients may be imposed summarily and without a hearing under designated administrative circumstances as specifically

provided for in the medical staff bylaws as approved by the medical staff.

(iii) If a hospital exercises its option to enter into an exclusive contract and that contract results in the total or partial termination or reduction of medical staff membership or clinical privileges of a current medical staff member, the hospital shall provide the affected medical staff member 60 days prior notice of the effect on his or her medical staff membership or privileges. An affected medical staff member desiring a hearing under subparagraph (C) of this paragraph (2) must request the hearing within 14 days after the date he or she is so notified. The requested hearing shall be commenced and completed (with a report and recommendation to the affected medical staff member, hospital governing board, and medical staff) within 30 days after the date of the medical staff member's request. If agreed upon by both the medical staff and the hospital governing board, the medical staff bylaws may provide for longer time periods.

(C-5) All peer review used for the purpose of credentialing, privileging, disciplinary action, or other recommendations affecting medical staff membership or exercise of clinical privileges, whether relying in whole or in part on internal or external reviews, shall be conducted in accordance with the medical staff bylaws and applicable rules, regulations, or policies of the medical staff. If external review is obtained, any adverse report utilized shall be in writing and shall be made part of the internal peer review process under the bylaws. The report shall also be shared with a medical staff peer review committee and the individual under review. If the medical staff peer review committee or the individual under review prepares a written response to the report of the external peer review within 30 days after receiving such report, the governing board shall consider the response prior to the implementation of any final actions by the governing board which may affect the individual's medical staff membership or clinical privileges. Any peer review that involves willful or wanton misconduct shall be subject to civil damages as provided for under Section 10.2 of this Act.

(D) A statement of the member's right to inspect all pertinent information in the hospital's possession with respect to the decision.

(E) A statement of the member's right to present witnesses and other evidence at the hearing on the decision.

(F) A written notice and written explanation of the decision resulting from the hearing.

(F-5) A written notice of a final adverse decision by a hospital governing board.

(G) Notice given 15 days before implementation of an adverse medical staff membership or clinical privileges decision based substantially on economic factors. This notice shall be given after the medical staff member exhausts all applicable procedures under this Section, including item (iii) of subparagraph (C) of this paragraph (2), and under the medical staff bylaws in order to allow sufficient time for the orderly provision of patient care.

(H) Nothing in this paragraph (2) of this subsection (b) limits a medical staff member's right to waive, in writing, the rights provided in subparagraphs (A) through (G) of this paragraph (2) of this subsection (b) upon being granted the written exclusive right to provide particular services at a hospital, either individually or as a member of a group. If an exclusive contract is signed by a representative of a group of physicians, a waiver contained in the contract shall apply to all members of the group unless stated otherwise in the contract.

(3) Every adverse medical staff membership and clinical privilege decision based substantially on economic factors shall be reported to the Hospital Licensing Board before the decision takes effect. These reports shall not be disclosed in any form that reveals the identity of any hospital or physician. These reports shall be utilized to study the effects that hospital medical staff membership and clinical privilege decisions based upon economic factors have on access to care and the availability of physician services. The Hospital Licensing Board shall submit an initial study to the Governor and the General Assembly by January 1, 1996, and subsequent reports shall be submitted periodically thereafter.

(4) As used in this Section:

"Adverse decision" means a decision reducing, restricting, suspending, revoking, denying, or not renewing medical staff membership or clinical privileges.

"Economic factor" means any information or reasons for decisions unrelated to quality of care or professional competency.

"Pre-applicant" means a physician licensed to practice medicine in all its branches who requests an application for medical staff membership or privileges.

"Privilege" means permission to provide medical or other patient care services and permission to use hospital resources, including equipment, facilities and personnel that are necessary to

effectively provide medical or other patient care services. This definition shall not be construed to require a hospital to acquire additional equipment, facilities, or personnel to accommodate the granting of privileges.

(5) Any amendment to medical staff bylaws required because of this amendatory Act of the 91st General Assembly shall be adopted on or before July 1, 2001.

(c) All hospitals shall consult with the medical staff prior to closing membership in the entire or any portion of the medical staff or a department. If the hospital closes membership in the medical staff, any portion of the medical staff, or the department over the objections of the medical staff, then the hospital shall provide a detailed written explanation for the decision to the medical staff 10 days prior to the effective date of any closure. No applications need to be provided when membership in the medical staff or any relevant portion of the medical staff is closed.

(Source: P.A. 95-331, eff. 8-21-07.)

Section 99. Effective date. This Act takes effect June 1, 2008."

AMENDMENT NO. 2. Amend House Bill 5193, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 12, after line 8, by inserting the following:

"(d) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 5196.

HOUSE BILL 5212. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 5212 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 19-125 as follows:

(220 ILCS 5/19-125)

Sec. 19-125. Consumer education.

(a) The Commission shall make available upon request and at no charge, and shall make available to the public on the Internet through the State of Illinois World Wide Web site:

(1) a list of all certified alternative gas suppliers serving residential and small commercial customers within the service area of each gas utility including, in the case of the Internet, computer links to available web sites of the certified alternative gas suppliers;

(2) a list of all certified alternative gas suppliers serving residential or small commercial customers that have been found in the last 3 years by the Commission pursuant to Section 10-108 to have failed to provide service in accordance with this Act;

(3) guidelines to assist customers in determining which gas supplier is most appropriate for each customer; and

(4) Internet links to providers of information that enables customers to compare prices and services of gas utilities and alternative gas suppliers, if and when that information is available.

(b) In any service area where customers are able to choose their natural gas supplier, the Commission shall require gas utilities and alternative gas suppliers to inform customers of how they may contact the Commission in order to obtain information about the customer choice program.

(c) The Commission shall make available in print, upon request and at no charge, and on its World Wide Web site, information on where customers of alternative gas suppliers serving residential and small commercial customers can address any complaint with regard to an alternative gas supplier's obligations under Section 19-115 of this Act, including the provision of service in accordance with the terms of its contract, sales tactics, and rates. The Commission shall maintain a summary by category and provider of all informal complaints it receives pursuant to this Section, and it shall publish the summary on a quarterly basis on its World Wide Web site. Individual customer information shall not be included in the summary.

(d) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

(Source: P.A. 92-852, eff. 8-26-02.)"

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 5242. 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 5242 by replacing everything after the enacting clause with the following:

"Section 5. The Food Handling Regulation Enforcement Act is amended by adding Section 3.2 as follows:

(410 ILCS 625/3.2 new)

Sec. 3.2. Food banks.

(a) For purposes of this Section, "food bank" means a public or charitable institution that maintains an established operation involving the provision of food or edible commodities to food pantries, soup kitchens, hunger relief centers, or other feeding programs that, as an integral part of their normal activities, provide meals or food to needy persons.

(b) All food banks that provide food to feeding programs in Illinois shall provide a list of its member food pantries, soup kitchens, hunger relief centers, and other feeding programs to the State-certified local public health department or departments having jurisdiction in its service area. Food banks must provide this list to local public health departments annually and the listing shall include the following information about each food pantry, soup kitchen, hunger relief center, and other feeding program:

(1) agency name;

(2) type of feeding program;

(3) address;

(4) phone number; and

(5) fax number.

The intent of having food banks provide this information annually to the local public health department is solely for the purpose of ensuring that food recall alerts and other pertinent information will be

communicated to food pantries, soup kitchens, hunger relief centers, and other feeding programs in a timely fashion.

Section 99. Effective date. This Act takes effect January 1, 2009."

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 5251. 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 5251 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-2 as follows:

(305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

Sec. 5-2. Classes of Persons Eligible. Medical assistance under this Article shall be available to any of the following classes of persons in respect to whom a plan for coverage has been submitted to the Governor by the Illinois Department and approved by him:

1. Recipients of basic maintenance grants under Articles III and IV.

2. Persons otherwise eligible for basic maintenance under Articles III and IV but who fail to qualify thereunder on the basis of need, and who have insufficient income and resources to meet the costs of necessary medical care, including but not limited to the following:

(a) All persons otherwise eligible for basic maintenance under Article III but who fail to qualify under that Article on the basis of need and who meet either of the following requirements:

(i) their income, as determined by the Illinois Department in accordance with any federal requirements, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002 and until a date to be determined by the Department by rule, and equal to or less than 100% beginning on the date determined by the Department by rule, of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size; or

(ii) their income, after the deduction of costs incurred for medical care and for other types of remedial care, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002 and until a date to be determined by the Department by rule, and equal to or less than 100% beginning on the date determined by the Department by rule, of the nonfarm income official poverty line, as defined in item (i) of this subparagraph (a).

(b) All persons who would be determined eligible for such basic maintenance under Article IV by disregarding the maximum earned income permitted by federal law.

3. Persons who would otherwise qualify for Aid to the Medically Indigent under Article VII.

4. Persons not eligible under any of the preceding paragraphs who fall sick, are injured, or die, not having sufficient money, property or other resources to meet the costs of necessary medical care or funeral and burial expenses.

5.(a) Women during pregnancy, after the fact of pregnancy has been determined by medical diagnosis, and during the 60-day period beginning on the last day of the pregnancy, together with their infants and children born after September 30, 1983, whose income and resources are insufficient to meet the costs of necessary medical care to the maximum extent possible under Title XIX of the Federal Social Security Act.

(b) The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 5(a) by April 1, 1990. Such plan shall provide ambulatory prenatal care to pregnant women during a presumptive eligibility period and establish an income eligibility standard that is equal to 133% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size, provided that costs incurred for medical care are not taken into account in determining such income eligibility.

(c) The Illinois Department may conduct a demonstration in at least one county that

will provide medical assistance to pregnant women, together with their infants and children up to one year of age, where the income eligibility standard is set up to 185% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget. The Illinois Department shall seek and obtain necessary authorization provided under federal law to implement such a demonstration. Such demonstration may establish resource standards that are not more restrictive than those established under Article IV of this Code.

6. Persons under the age of 18 who fail to qualify as dependent under Article IV and who have insufficient income and resources to meet the costs of necessary medical care to the maximum extent permitted under Title XIX of the Federal Social Security Act.

7. Persons who are under 21 years of age and would qualify as disabled as defined under the Federal Supplemental Security Income Program, provided medical service for such persons would be eligible for Federal Financial Participation, and provided the Illinois Department determines that:

(a) the person requires a level of care provided by a hospital, skilled nursing facility, or intermediate care facility, as determined by a physician licensed to practice medicine in all its branches;

(b) it is appropriate to provide such care outside of an institution, as determined by a physician licensed to practice medicine in all its branches;

(c) the estimated amount which would be expended for care outside the institution is not greater than the estimated amount which would be expended in an institution.

8. Persons who become ineligible for basic maintenance assistance under Article IV of this Code in programs administered by the Illinois Department due to employment earnings and persons in assistance units comprised of adults and children who become ineligible for basic maintenance assistance under Article VI of this Code due to employment earnings. The plan for coverage for this class of persons shall:

(a) extend the medical assistance coverage for up to 12 months following termination of basic maintenance assistance; and

(b) offer persons who have initially received 6 months of the coverage provided in paragraph (a) above, the option of receiving an additional 6 months of coverage, subject to the following:

(i) such coverage shall be pursuant to provisions of the federal Social Security Act;

(ii) such coverage shall include all services covered while the person was eligible for basic maintenance assistance;

(iii) no premium shall be charged for such coverage; and

(iv) such coverage shall be suspended in the event of a person's failure without good cause to file in a timely fashion reports required for this coverage under the Social Security Act and coverage shall be reinstated upon the filing of such reports if the person remains otherwise eligible.

9. Persons with acquired immunodeficiency syndrome (AIDS) or with AIDS-related conditions with respect to whom there has been a determination that but for home or community-based services such individuals would require the level of care provided in an inpatient hospital, skilled nursing facility or intermediate care facility the cost of which is reimbursed under this Article. Assistance shall be provided to such persons to the maximum extent permitted under Title XIX of the Federal Social Security Act.

10. Participants in the long-term care insurance partnership program established under the Illinois Long-Term Care Partnership Program Act ~~Partnership for Long-Term Care Act~~ who meet the qualifications for protection of resources described in Section 15 25 of that Act.

11. Persons with disabilities who are employed and eligible for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and, subject to federal approval, persons with a medically improved disability who are employed and eligible for Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of the Social Security Act, as provided by the Illinois Department by rule. In establishing eligibility standards under this paragraph 11, the Department shall, subject to federal approval:

(a) set the income eligibility standard at not lower than 350% of the federal poverty level;

(b) exempt retirement accounts that the person cannot access without penalty before the age of 59 1/2, and medical savings accounts established pursuant to 26 U.S.C. 220;

(c) allow non-exempt assets up to \$25,000 as to those assets accumulated during periods of eligibility under this paragraph 11; and

(d) continue to apply subparagraphs (b) and (c) in determining the eligibility of the person under this Article even if the person loses eligibility under this paragraph 11.

12. Subject to federal approval, persons who are eligible for medical assistance coverage under applicable provisions of the federal Social Security Act and the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000. Those eligible persons are defined to include, but not be limited to, the following persons:

(1) persons who have been screened for breast or cervical cancer under the U.S. Centers for Disease Control and Prevention Breast and Cervical Cancer Program established under Title XV of the federal Public Health Services Act in accordance with the requirements of Section 1504 of that Act as administered by the Illinois Department of Public Health; and

(2) persons whose screenings under the above program were funded in whole or in part by funds appropriated to the Illinois Department of Public Health for breast or cervical cancer screening.

"Medical assistance" under this paragraph 12 shall be identical to the benefits provided under the State's approved plan under Title XIX of the Social Security Act. The Department must request federal approval of the coverage under this paragraph 12 within 30 days after the effective date of this amendatory Act of the 92nd General Assembly.

13. Subject to appropriation and to federal approval, persons living with HIV/AIDS who are not otherwise eligible under this Article and who qualify for services covered under Section 5-5.04 as provided by the Illinois Department by rule.

14. Subject to the availability of funds for this purpose, the Department may provide coverage under this Article to persons who reside in Illinois who are not eligible under any of the preceding paragraphs and who meet the income guidelines of paragraph 2(a) of this Section and (i) have an application for asylum pending before the federal Department of Homeland Security or on appeal before a court of competent jurisdiction and are represented either by counsel or by an advocate accredited by the federal Department of Homeland Security and employed by a not-for-profit organization in regard to that application or appeal, or (ii) are receiving services through a federally funded torture treatment center. Medical coverage under this paragraph 14 may be provided for up to 24 continuous months from the initial eligibility date so long as an individual continues to satisfy the criteria of this paragraph 14. If an individual has an appeal pending regarding an application for asylum before the Department of Homeland Security, eligibility under this paragraph 14 may be extended until a final decision is rendered on the appeal. The Department may adopt rules governing the implementation of this paragraph 14.

The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 7 as soon as possible after July 1, 1984.

The eligibility of any such person for medical assistance under this Article is not affected by the payment of any grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. The Department shall by rule establish the amounts of assets to be disregarded in determining eligibility for medical assistance, which shall at a minimum equal the amounts to be disregarded under the Federal Supplemental Security Income Program. The amount of assets of a single person to be disregarded shall not be less than \$2,000, and the amount of assets of a married couple to be disregarded shall not be less than \$3,000.

To the extent permitted under federal law, any person found guilty of a second violation of Article VIII shall be ineligible for medical assistance under this Article, as provided in Section 8A-8.

The eligibility of any person for medical assistance under this Article shall not be affected by the receipt by the person of donations or benefits from fundraisers held for the person in cases of serious illness, as long as neither the person nor members of the person's family have actual control over the donations or benefits or the disbursement of the donations or benefits.

Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly

authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

(Source: P.A. 94-629, eff. 1-1-06; 94-1043, eff. 7-24-06; 95-546, eff. 8-29-07; revised 1-22-08.)

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 5256. 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 5256 on page 1, immediately below line 16, by inserting the following:

"(c) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this subsection, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 5278.

HOUSE BILL 5297. 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 5297 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 9A-11 as follows:

(305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

Sec. 9A-11. Child Care.

(a) The General Assembly recognizes that families with children need child care in order to work. Child care is expensive and families with low incomes, including those who are transitioning from welfare to work, often struggle to pay the costs of day care. The General Assembly understands the importance of helping low income working families become and remain self-sufficient. The General Assembly also believes that it is the responsibility of families to share in the costs of child care. It is also the preference of the General Assembly that all working poor families should be treated equally, regardless of their welfare

status.

(b) To the extent resources permit, the Illinois Department shall provide child care services to parents or other relatives as defined by rule who are working or participating in employment or Department approved education or training programs. At a minimum, the Illinois Department shall cover the following categories of families:

- (1) recipients of TANF under Article IV participating in work and training activities as specified in the personal plan for employment and self-sufficiency;
- (2) families transitioning from TANF to work;
- (3) families at risk of becoming recipients of TANF;
- (4) families with special needs as defined by rule; and
- (5) working families with very low incomes as defined by rule.

The Department shall specify by rule the conditions of eligibility, the application process, and the types, amounts, and duration of services. Eligibility for child care benefits and the amount of child care provided may vary based on family size, income, and other factors as specified by rule.

In determining income eligibility for child care benefits, the Department annually, at the beginning of each fiscal year, shall establish, by rule, one income threshold for each family size, in relation to percentage of State median income for a family of that size, that makes families with incomes below the specified threshold eligible for assistance and families with incomes above the specified threshold ineligible for assistance. ~~The Through and including fiscal year 2007, the specified threshold must be no less than 50% of the then current State median income for each family size. Beginning in fiscal year 2008, the specified threshold must be no less than 200% 485%~~ of the then-current federal poverty level for each family size.

In determining eligibility for assistance, the Department shall not give preference to any category of recipients or give preference to individuals based on their receipt of benefits under this Code.

The Department shall allocate \$7,500,000 annually for a test program for families who are income-eligible for child care assistance, who are not recipients of TANF under Article IV, and who need child care assistance to participate in education and training activities. The Department shall specify by rule the conditions of eligibility for this test program.

Nothing in this Section shall be construed as conferring entitlement status to eligible families.

The Illinois Department is authorized to lower income eligibility ceilings, raise parent co-payments, create waiting lists, or take such other actions during a fiscal year as are necessary to ensure that child care benefits paid under this Article do not exceed the amounts appropriated for those child care benefits. These changes may be accomplished by emergency rule under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply.

The Illinois Department may contract with other State agencies or child care organizations for the administration of child care services.

(c) Payment shall be made for child care that otherwise meets the requirements of this Section and applicable standards of State and local law and regulation, including any requirements the Illinois Department promulgates by rule in addition to the licensure requirements promulgated by the Department of Children and Family Services and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshal and is provided in any of the following:

- (1) a child care center which is licensed or exempt from licensure pursuant to Section 2.09 of the Child Care Act of 1969;
- (2) a licensed child care home or home exempt from licensing;
- (3) a licensed group child care home;
- (4) other types of child care, including child care provided by relatives or persons living in the same home as the child, as determined by the Illinois Department by rule.

~~(c-5) (b-5)~~ Solely for the purposes of coverage under the Illinois Public Labor Relations Act, child and day care home providers, including licensed and license exempt, participating in the Department's child care assistance program shall be considered to be public employees and the State of Illinois shall be considered to be their employer as of the effective date of this amendatory Act of the 94th General Assembly, but not before. The State shall engage in collective bargaining with an exclusive representative of child and day care home providers participating in the child care assistance program concerning their terms and conditions of employment that are within the State's control. Nothing in this subsection shall be understood to limit the right of families receiving services defined in this Section to select child and day care home providers or supervise them within the limits of this Section. The State shall not be considered to be the employer of child and day care home providers for any purposes not specifically provided in this

amendatory Act of the 94th General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Child and day care home providers shall not be covered by the State Employees Group Insurance Act of 1971.

In according child and day care home providers and their selected representative rights under the Illinois Public Labor Relations Act, the State intends that the State action exemption to application of federal and State antitrust laws be fully available to the extent that their activities are authorized by this amendatory Act of the 94th General Assembly.

(d) The Illinois Department shall, by rule, require co-payments for child care services by any parent, including parents whose only income is from assistance under this Code. The co-payment shall be assessed based on a sliding scale based on family income, family size, and the number of children in care. The amount of a family's co-payment shall not exceed the sum of the following:

(1) 3% of the family's countable income, if any, that is not more than 100% of the federal poverty level; plus

(2) 7% of the family's countable income, if any, that is more than 100% of the federal poverty level but not more than 150% of the federal poverty level; plus

(3) 12% of the family's countable income, if any, that is more than 150% of the federal poverty level but not more than 200% of the federal poverty level.

Notwithstanding the preceding sentence, however, if a family's countable income is less than 50% of the federal poverty level, the family's co-payment shall be \$1 per week.

Co-payments shall not be increased due solely to a change in the methodology for counting family income.

(d-5) The Illinois Department, in consultation with its Child Care and Development Advisory Council, shall develop a plan to revise the child care assistance program's co-payment scale. The plan shall be completed no later than February 1, 2008, and shall include:

(1) findings as to the percentage of income that the average American family spends on child care and the relative amounts that low-income families and the average American family spend on other necessities of life;

(2) recommendations for revising the child care co-payment scale to assure that families receiving child care services from the Department are paying no more than they can reasonably afford;

(3) recommendations for revising the child care co-payment scale to provide at-risk children with complete access to Preschool for All and Head Start; and

(4) recommendations for changes in child care program policies that affect the affordability of child care.

(e) (Blank).

(f) The Illinois Department shall, by rule, set rates to be paid for the various types of child care. Child care may be provided through one of the following methods:

(1) arranging the child care through eligible providers by use of purchase of service contracts or vouchers;

(2) arranging with other agencies and community volunteer groups for non-reimbursed child care;

(3) (blank); or

(4) adopting such other arrangements as the Department determines appropriate.

(f-5) (Blank).

(g) Families eligible for assistance under this Section shall be given the following options:

(1) receiving a child care certificate issued by the Department or a subcontractor of the Department that may be used by the parents as payment for child care and development services only; or

(2) if space is available, enrolling the child with a child care provider that has a purchase of service contract with the Department or a subcontractor of the Department for the provision of child care and development services. The Department may identify particular priority populations for whom they may request special consideration by a provider with purchase of service contracts, provided that the providers shall be permitted to maintain a balance of clients in terms of household incomes and families and children with special needs, as defined by rule.

(h) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act

of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

(Source: P.A. 94-320, eff. 1-1-06; 95-206, eff. 8-16-07; 95-322, eff. 1-1-08; revised 11-15-07.)

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 5306. Having been reproduced, was taken up and read by title a second time.

Representative Soto moved that the Balanced Budget Note is inapplicable.

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

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

(ROLL CALL 5)

The motion prevailed.

There being no further action pending, the bill was advanced to the order of Third Reading.

HOUSE BILL 5310. 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 5310 on page 2, by replacing lines 5 through 7 with the following:

"his or her designee;

(8) the Executive Director of the Illinois International Port District, or his or her designee; and

(9) one member representing a national alliance that is organized for the purpose of protecting and preserving the Great Lakes."

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 5314. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 5314 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 6-305.2 as follows:

(625 ILCS 5/6-305.2)

Sec. 6-305.2. Limited liability for damage.

(a) Damage to private passenger vehicle. A person who rents a motor vehicle to another may hold the renter liable to the extent permitted under subsections (b) through (d) for physical or mechanical damage to the rented motor vehicle that occurs during the time the motor vehicle is under the rental agreement.

(b) Limits on liability. The total liability of a renter under subsection (a) for damage to a motor vehicle may not exceed all of the following:

(1) The lesser of:

(A) Actual and reasonable costs that the person who rents a motor vehicle to another incurred to repair the motor vehicle or that the rental company would have incurred if the motor vehicle had been repaired, which shall reflect any discounts, price reductions, or adjustments available to the rental company; or

(B) The fair market value of that motor vehicle immediately before the damage occurred, as determined in the customary market for the retail sale of that motor vehicle; and

(2) Actual and reasonable costs incurred by the loss due to theft of the rental motor vehicle up to its fair market value immediately before the loss occurred using a commonly and commercially accepted method to establish a fair market value \$2,000; ~~provided, however, that if it is established that the renter or an authorized driver failed to exercise ordinary care while in possession of the vehicle or that the renter or an authorized driver committed or aided and abetted the commission of the theft, then the damages shall be the actual and reasonable costs of the rental vehicle up to its fair market value, as determined by the customary market for the sale of that vehicle.~~

For purposes of this subsection (b), for the period prior to June 1, 1998, the maximum amount that may be recovered from an authorized driver shall not exceed \$6,000; for the period beginning June 1, 1998 through May 31, 1999, the maximum recovery shall not exceed \$7,500; and for the period beginning June 1, 1999 through May 31, 2000, the maximum recovery shall not exceed \$9,000. Beginning June 1, 2000, and annually each June 1 thereafter, the maximum amount that may be recovered from an authorized driver shall be increased by \$500 above the maximum recovery allowed immediately prior to June 1 of that year.

(c) Multiple recoveries prohibited. Any person who rents a motor vehicle to another may not hold the renter liable for any amounts that the rental company recovers from any other party.

(d) Repair estimates. A person who rents a motor vehicle to another may not collect or attempt to collect the amount described in subsection (b) unless the rental company obtains an estimate from a repair company or an appraiser in the business of providing such appraisals on the costs of repairing the motor vehicle, makes a copy of the estimate available upon request to the renter who may be liable under subsection (a), and ~~or~~ the insurer of the renter, if known by the rental company, and submits a copy of the estimate with any claim to collect the amount described in subsection (b). If the estimate of repair exceeds \$3,500, then, prior to any repairs being initiated, the insurer of the renter or the renter shall be allowed 72 hours from the date of notice to inspect the damaged vehicle and obtain another estimate of repair on the damaged vehicle.

(e) Duty to mitigate. A claim against a renter resulting from damage or loss to a rental vehicle must be reasonably and rationally related to the actual loss incurred. A rental company shall mitigate damages where possible and shall not assert or collect any claim for physical damage which exceeds the actual costs of the repair, including all discounts or price reductions.

(f) No rental company shall require a deposit or an advance charge against the credit card of a renter, in any form, for damages to a vehicle which is in the renter's possession, custody, or control. No rental company shall require any payment for damage to the rental vehicle, upon the renter's return of the vehicle in a damaged condition, until after the cost of the damage to the vehicle and liability therefor is agreed to between the rental company and renter or is determined pursuant to law.

(g) If insurance coverage exists under the renter's personal insurance policy and the coverage is confirmed during regular business hours, the renter may require that the rental company must submit any claims to the renter's personal insurance carrier as the renter's agent. The rental company shall not make any written or oral representations that it will not present claims or negotiate with the renter's insurance carrier. For purposes of this Section, confirmation of coverage includes telephone confirmation from insurance company representatives during regular business hours. After confirmation of coverage, the amount of claim shall be resolved between the insurance carrier and the rental company.

(Source: P.A. 90-113, eff. 7-14-97.)

Section 99. Effective date. This Act takes effect July 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.

HOUSE BILL 5325. 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 5325 on page 2, by replacing lines 15 through 17 with the following:

"(f) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 5326. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Juvenile Justice Reform, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5326 on page 13, by inserting immediately below line 10 the following:

"(n) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this Section, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 5348. 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 5348 as follows:
on page 11, immediately below line 7, by inserting the following:

"Section 50. No rulemaking authority. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this Act. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this Act, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of

the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this Act shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this Section, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."; and

on page 18, by replacing lines 17 through 21 with the following:

"prescribed by the Agency. The Governor, in coordination with the Agency, must propose rules for processing petitions submitted pursuant to this subsection (h). The proposed rules may, but are not required to, include provisions allowing for the submission of written public comments on the petitions. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may propose rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those proposed rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this subsection, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

AMENDMENT NO. 2. Amend House Bill 5348, AS AMENDED, by deleting all of Section 90.

AMENDMENT NO. 3. Amend House Bill 5348 on page 7, by replacing line 24 with the following:

"Section 27. Educational materials. The Agency shall develop an educational template to be made available to businesses and consumers to inform consumers about programs for the collection of mercury thermostats. The materials in this educational template may include, without limitation, labels, inserts, brochures, or signs."; and

on page 8, by deleting lines 1 through 6.

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.

HOUSE BILL 5359. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Human Services, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5359 on page 2, after line 26, by inserting the following:

"(e) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure

Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

AMENDMENT NO. 2. Amend House Bill 5359 on page 1, lines 15 and 16, by replacing "location" each time it appears with "hospital".

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

HOUSE BILL 5367. 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 5367 on page 1, line 23, before the period, by inserting "as it exists before the effective date of this amendatory Act of the 95th General Assembly"; and on page 1, immediately below line 23, by inserting the following:

"Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 5368. 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 5368 on page 1, line 11, by replacing "Model Interstate Compact on Military Families" with "Interstate Compact on Educational Opportunity for Military Children"; and on page 2, immediately below line 16, by inserting the following:

"The Office of the Lieutenant Governor shall provide staff and administrative support to the Committee."

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 5369. 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 5369 on page 4, immediately below line 19, by inserting

the following:

"Section 20. Rulemaking. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this Act. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this Act, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this Act shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this paragraph, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 5494. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Transportation and Motor Vehicles, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5494 on page 23, below line 24, by adding the following:

"Section 60. Upon the payment of the sum of \$25,250.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land to Casino One.

Parcel No. 800XC55

A tract of land being that part of Dr. Martin Luther King Drive, vacated by Ordinance No. 66461 and amended by Ordinance No. 66806 and 67039 of the City of St. Louis, lying south of the centerline thereof, having an original right-of-way width of 32.08 feet, situated between City Blocks 68 and 70 of the City of St. Louis, Missouri, being more particularly described as follows:

Beginning at the original northeastern corner of City Block 68, being a point on the former western right-of-way line of Second Street, 38.50 feet wide, at its intersection with a point on the former southern right-of-way line of Dr. Martin Luther King Drive (formerly Franklin Avenue) 32.08 feet wide; thence northwesterly, along the former southern right-of-way line of said Dr. Martin Luther King Drive, North 80 degrees 08 minutes 27 seconds West 167.16 feet to a point; thence northeasterly, departing the southern right-of-way line thereof, North 09 degrees 17 minutes 52 seconds East 6.74 feet to a point; thence North 78 degrees 43 minutes 54 seconds West 71.44 feet to a point; thence North 72 degrees 31 minutes 27 seconds West 19.67 feet to a point; thence North 66 degrees 45 minutes 28 seconds West 21.30 feet to its intersection with a point on the former centerline of Dr. Martin Luther King Drive, as aforementioned; thence southeasterly, along the former centerline thereof, South 80 degrees 08 minutes 27 seconds East, 76.30 feet to a point; thence southwesterly, departing the former centerline of Dr. Martin Luther King Drive, South 00 degrees 48 minutes 00 seconds West 16.24 feet to the Point of Beginning.

Parcel 800XC55 herein described contains 0.079 acre, more or less.

AND reserving to the State of Illinois, by its Department of Transportation, a permanent easement over and upon the above-described parcel of land to enter upon for the purposes of highway and bridge construction, maintenance and inspection.

Section 65. Upon the payment of the sum of \$300.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Ogle County, Illinois:

Parcel No. 2DOG045

A part of the Northeast Quarter and of the Southeast Quarter of Section 16, and of the Northwest Quarter of Section 15, all in Township 23 North, Range 10 East of the Fourth Principal Meridian, Ogle County, State of Illinois, described as follows:

Commencing at a concrete monument with iron rod at the southeast corner of the Northeast Quarter of said Section 16; thence North 1 degree 14 minutes 42 seconds East (Bearings and grid distances are referenced

to the Illinois State Plane Coordinate System West Zone Datum of 1983 (97)), 42.53 feet on the east line of said Northeast Quarter, to the Point of Beginning.

From the Point of Beginning thence South 30 degrees 21 minutes 58 seconds West, 69.34 feet; thence South 78 degrees 02 minutes 32 seconds West, 98.69 feet, to the westerly right of way line of a public highway designated FA Route 742 (IL 2); thence North 51 degrees 42 minutes 17 seconds East, 200.53 feet on said westerly right of way line; thence South 30 degrees 21 minutes 58 seconds West, 50.99 feet, to the Point of Beginning, containing 0.101 acre (4,390 sq. ft.), more or less.

Section 70. Upon the payment of the sum of \$1,000.00 to the State of Illinois, the rights or easement of access, crossing, light, air and view from, to and over the following described line and US Route 150 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 409609V

Tract One

A part of the Southeast Quarter of Section 18, Township 25 North, Range 2 West of the Third Principal Meridian, Tazewell County, State of Illinois.

Commencing at a point being the southeast corner of the Southeast Quarter of said Section 18; thence North 00 degrees 41 minutes 19 seconds West a distance of 57.25 feet to a point being 60.00 feet normally distant northerly of the existing centerline of SBI 9 (US 150), said point being on the northerly existing right of way and access control line of said centerline and the Point of Beginning.

From the Point of Beginning South 88 degrees 33 minutes 56 seconds West along said existing right of way and access control line a distance of 1,561.92 feet to a point being 60.00 feet normally distant northerly of said centerline.

The above description lists 1,561.92 lineal feet of access control that is being vacated.

Tract Two

A part of the Southeast Quarter of Section 18, Township 25 North, Range 2 West of the Third Principal Meridian, Tazewell County, State of Illinois.

Commencing at the southwest corner of the Southeast Quarter of said Section 18; thence North 01 degree 59 minutes 30 seconds West along the west line of said Southeast Quarter a distance of 46.92 feet to a point being 60.00 feet radially distant northerly of the existing centerline of SBI 9 (US 150), said point being on the northerly existing right of way line of said centerline and the Point of Beginning.

From the Point of Beginning thence North 88 degrees 43 minutes 39 seconds East a distance of 293.38 feet to a point being 60.00 feet radially distant northerly of said centerline; thence North 75 degrees 42 minutes 22 seconds East a distance of 44.87 feet to a point being 70.00 feet normally distant northerly of said centerline; thence North 87 degrees 26 minutes 51 seconds East a distance of 256.27 feet to a point being 75.00 feet normally distant northerly of said centerline; thence North 88 degrees 33 minutes 56 seconds East a distance of 200.00 feet to a point being 75.00 feet normally distant northerly of said centerline; thence South 82 degrees 43 minutes 36 seconds East a distance of 48.54 feet to a point being 67.65 feet normally distant northerly of said centerline.

The above description lists 843.06 lineal feet of access control that is being vacated.

The total lineal feet of access control to be vacated by this document is 2,404.98.

Section 75. Upon the payment of the sum of \$122,500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in DeKalb County, Illinois, to the City of DeKalb.

Parcel No. 3EX0086

Lots 1 and 2 in Vaughan's Subdivision and Lots 66 and 67 in County Clerk's Subdivision of Block 14 of the original Town (now City) of DeKalb, the south 7 feet of Lot 65 of said County Clerk's Subdivision and together with the vacated alley in said Block 14, as shown on Document No. 294539, all in the City of DeKalb, DeKalb County, Illinois except the following described property:

Beginning at the southwest corner of Lot 2 of Vaughan's Subdivision in said Block 14, thence North 19 degrees 57 minutes 00 seconds East 10.00 feet along the west line of said Lot 2; thence South 70 degrees 08 minutes 00 seconds East 50.60 feet; thence North 78 degrees 54 minutes 29 seconds East 58.36 feet; thence North 19 degrees 57 minutes 00 seconds East 99.00 feet to the north line of the south 7 feet of Lot 65 of County Clerk's Subdivision in said Block 14; thence South 70 degrees 08 minutes 00 seconds East 15.00 feet along said north line to the east line of said Block 14; thence South 19 degrees 57 minutes 00 seconds West 139.00 feet along the east line of said Block 14 to the southeast corner of said Block 14; thence North 70 degrees 08 minutes 00 seconds West 115.60 feet along the south line of said Block 14, to the Point of Beginning.

The above described parcel contains 12,057 square feet, more or less, situated in the City of DeKalb, Illinois."

AMENDMENT NO. 2. Amend House Bill 5494, AS AMENDED, by adding below Section 75 the following:

"Section 80. Upon the payment of the sum of \$2,300.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Marshall County, Illinois:

Parcel No. 409610V

A tract of land located in a part of the Southwest Quarter of Section 11, T9N, R4E of the 4th P.M., Marshall County, Illinois. More particularly bounded and described as follows and bearings are assumed and for the purpose of description only:

Commencing at the southwest corner of the Southwest Quarter of said Section 11; thence North 00 degrees 07 minutes 01 second East, along the west line of the Southwest Quarter of said Section 11, a distance 1263.31 feet to the centerline of F.A. Rte. 645 (Il. Rte. #17) at station 511+90.19; thence in a southeasterly direction, along said centerline, curving to the right, with a radius of 2864.79 feet, an arc distance of 614.28 feet to said centerline station 518+04.47; thence South 69 degrees 54 minutes 06 seconds East, along said centerline, 431.58 feet to said centerline station 522+35.46; thence South 20 degrees 05 minutes 54 seconds West, 40.00 feet to the southwesterly right-of-way line of said F.A. Rte. 645 and being at the Place of Beginning for the tract to be described.

From the Point of Beginning, thence South 00 degrees 00 minutes 00 seconds West, along the west line of an existing 80 feet wide tract, 147.28 feet to the northeasterly right-of-way line of Highway Street; thence North 42 degrees 05 minutes 00 seconds West, along said right-of-way line, 101.54 feet; thence North 35 degrees 00 minutes 00 seconds East, 94.09 feet to the southwesterly right-of-way line of said F.A. Rte. 645; thence South 69 degrees 54 minutes 06 seconds East, along said right-of-way line, 15.00 feet to the Place of Beginning.

The said tract of land containing 0.13 acres, more or less.

Section 85. Upon the payment of the sum of \$166,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in St. Clair County, Illinois, to TDG Belleville Crossing, LLC., Grantee.

Parcel No. 800XC53

A tract of land being part of Lots 4 and 16 of a plat recorded in the Book of Plats "C" Page 397 of the Recorder's Office of St. Clair County, Illinois, in the Southwest Quarter of Section 18 and the North Half of Section 19, Township 1 North, Range 8 West of the Third Principal Meridian, St. Clair County, Illinois and being more particularly described as follows:

Beginning at the intersection of the existing northeasterly right of way line of Illinois Route 15 as described by the deed in Book 1198, Page 311 with the existing easterly right of way line of Frank Scott Parkway West as described by the warranty deed in book 1862, Page 12; thence North 39 degrees 19 minutes 24 seconds West on an extension of said existing northeasterly right of way line of Illinois Route 15, a distance of 71.32 feet; thence North 00 degrees 12 minutes 26 seconds West, 670.03 feet; thence North 72 degrees 18 minutes 19 seconds East, 47.18 feet to said easterly right of way line of Frank Scott Parkway West and the southerly line of Belleville Crossing; thence South 00 degrees 12 minutes 26 seconds East on said existing easterly right of way line of Frank Scott Parkway, 739.55 feet to the Point of Beginning.

Said parcel 800XC53 contains 0.7281 acre or 31,716 square feet, more or less. And the rights of access, crossing, light, air and view from, to and over the following described access control line and Illinois Route 15 are restored subject to permit requirements of the State of Illinois, Department of Transportation.

Access Control Line-800XC53AC

A line being part of Lot 16 of a plat recorded in the Book of Plats "C" Page 397 of the Recorder's Office of St. Clair County, Illinois, in the Southwest Quarter of Section 18, Township 1 North, Range 8 West of the Third Principal Meridian, St. Clair County, Illinois and being more particularly described as follows:

Commencing at the intersection of the existing northeasterly right of way line of Illinois Route 15 as described by the warranty deed in Book 1198, Page 311 with the existing easterly right of way line of Frank Scott Parkway West as described in Book 1862, page 12; thence North 00 degrees 12 minutes 26 seconds West on said existing easterly right of way line, 739.55 feet to the Point of Beginning of the

Access Control Line.

From said Point of Beginning; thence South 72 degrees 18 minutes 19 seconds West, 47.18 feet; thence South 00 degrees 12 minutes 26 seconds East, 670.03 feet to an extension of the existing northeasterly right of way line of Illinois 15 as described in the deed recorded in Book 1198, Page 311; thence on said extension of said northeasterly right of way South 39 degrees 19 minutes 24 seconds East, 71.32 feet to it's intersection with the existing easterly right of way line of Frank Scott Parkway as described in Book 1862, Page 12; thence continuing on said existing northeasterly right of way line of Illinois 15 the following (3) courses and distances; thence South 39 degrees 19 minutes 24 seconds East, 347.42 feet; thence South 45 degrees 08 minutes 00 seconds East, 338.83 feet; thence South 42 degrees 19 minutes 46 seconds West, 25.00 feet to the intersection with the existing access control line as recorded by deed in Book 1198, Page 311.

The access "via a local service drive" as described by Warranty Deed recorded in Book 1862, Page 14 has been removed and is hereby rescinded."

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 5505. Having been reproduced, was taken up and read by title a second time. Representative Ramey offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 5505 on page 4, line, 2, by replacing "conveyed" with "convened".

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 5513 and 5521.

HOUSE BILL 5534. 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 5534 on page 2, line 10, after "rate.", by inserting "Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this subsection, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.".

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 BILL 5572.

HOUSE BILL 5578. 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 5578, on page 1, by replacing line 23 with the following: "subpoena, unless the public school district or board of education or public school employee is a named party in the action. Any action that concerns a recognized collective bargaining unit of public school employees is exempt from the requirements of this subsection. The order shall provide (i) that the party tender, in".

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 5585.

HOUSE BILL 5595. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 5595 on page 4, immediately below line 22, by inserting the following:

"(c) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was held on the order of Second Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 5596.

HOUSE BILL 5599. 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 5599 by replacing everything after the enacting clause with the following:

"Section 5. The Court of Claims Act is amended by changing Section 8 as follows:

(705 ILCS 505/8) (from Ch. 37, par. 439.8)

Sec. 8. Court of Claims jurisdiction; deliberations periods. The court shall have exclusive jurisdiction to hear and determine the following matters:

(a) All claims against the State founded upon any law of the State of Illinois or upon any regulation adopted thereunder by an executive or administrative officer or agency; provided, however, the court shall not have jurisdiction (i) to hear or determine claims arising under the Workers' Compensation Act or the Workers' Occupational Diseases Act, or claims for expenses in civil litigation, or (ii) to review administrative decisions for which a statute provides that review shall be in the circuit or appellate court.

(b) All claims against the State founded upon any contract entered into with the State of Illinois.

(c) All claims against the State for time unjustly served in prisons of this State where the persons imprisoned shall receive a pardon from the governor stating that such pardon is issued on the ground of innocence of the crime for which they were imprisoned; provided, the court shall make no award in excess of the following amounts: for imprisonment of 5 years or less, not more than \$15,000; for imprisonment of 14 years or less but over 5 years, not more than \$30,000; for imprisonment of over 14 years, not more than \$35,000; and provided further, the court shall fix attorney's fees not to exceed 25% of the award granted. On December 31, 1996, the court shall make a one-time adjustment in the maximum awards authorized by this subsection (c), to reflect the increase in the cost of living from the year in which these maximum awards were last adjusted until 1996, but with no annual increment exceeding 5%. Thereafter, the court shall annually adjust the maximum awards authorized by this subsection (c) to reflect the increase, if any, in the Consumer Price Index For All Urban Consumers for the previous calendar year, as determined by the United States Department of Labor, except that no annual increment may exceed 5%. For both the one-time adjustment and the subsequent annual adjustments, if the Consumer Price Index decreases during a calendar year, there shall be no adjustment for that calendar year. The changes made by Public Act 89-689 apply to all claims filed on or after January 1, 1995 that are pending on December 31, 1996 and all claims filed on or after December 31, 1996.

(d) All claims against the State for damages in cases sounding in tort, if a like cause of action would lie against a private person or corporation in a civil suit, and all like claims sounding in tort against the Medical Center Commission, the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, or the Board of Trustees of the Illinois Mathematics and Science Academy; provided, that an award for damages in a case sounding in tort, other than certain cases involving the operation of a State vehicle described in this paragraph, shall not exceed the sum of \$100,000 to or for the benefit of any claimant. The \$100,000 limit prescribed by this Section does not apply to an award of damages in any case sounding in tort arising out of the operation by a State employee of a vehicle owned, leased or controlled by the State. The defense that the State or the Medical Center Commission or the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, or the Board of Trustees of the Illinois Mathematics and Science Academy is not liable for the negligence of its officers, agents, and employees in the course of their employment is not applicable to the hearing and determination of such claims.

(e) All claims for recoupment made by the State of Illinois against any claimant.

(f) All claims pursuant to the Line of Duty Compensation Act. A claim under that Act must be heard and determined within one year after the application for that claim is filed with the Court as provided in that Act.

(g) All claims filed pursuant to the Crime Victims Compensation Act.

(h) All claims pursuant to the Illinois National Guardsman's Compensation Act. A claim under that Act must be heard and determined within one year after the petition for that claim is filed with the Court as provided in that Act.

(i) All claims authorized by subsection (a) of Section 10-55 of the Illinois Administrative Procedure Act for the expenses incurred by a party in a contested case on the administrative level.

(Source: P.A. 93-1047, eff. 10-18-04.)

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.

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 5603 and 5607.

HOUSE BILL 5614. 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 5614 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Sections 512-3, 512-4, and 512-5 as follows:

(215 ILCS 5/512-3) (from Ch. 73, par. 1065.59-3)

Sec. 512-3. Definitions. For the purposes of this Article, unless the context otherwise requires, the terms defined in this Article have the meanings ascribed to them herein:

(a) "Third party prescription program" or "program" means any system of providing for the reimbursement of pharmaceutical services and prescription drug products offered or operated in this State under a contractual arrangement or agreement between a provider of such services and another party who is not the consumer of those services and products. Such programs may include, but need not be limited to, employee benefit plans whereby a consumer receives prescription drugs or other pharmaceutical services and those services are paid for by an agent of the employer or others.

(b) "Third party program administrator" or "administrator" means any person, partnership or corporation who issues or causes to be issued any payment or reimbursement to a provider for services rendered pursuant to a third party prescription program, but does not include the Director of Healthcare and Family Services or any agent authorized by the Director to reimburse a provider of services rendered pursuant to a program of which the Department of Healthcare and Family Services is the third party.

(c) "Director" means the Director of the Division of Insurance of the Department of Financial and Professional Regulation.

(d) "Division" means the Division of Insurance of the Department of Financial and Professional Regulation.

(Source: P.A. 95-331, eff. 8-21-07.)

(215 ILCS 5/512-4) (from Ch. 73, par. 1065.59-4)

Sec. 512-4. Registration. All third party prescription programs and administrators doing business in the State shall register with the Director ~~of Insurance~~. The Director shall promulgate regulations establishing criteria for registration in accordance with the terms of this Article. The Director may by rule establish an annual registration fee for each third party administrator.

(Source: P.A. 82-1005.)

(215 ILCS 5/512-5) (from Ch. 73, par. 1065.59-5)

Sec. 512-5. Fiduciary and Bonding Requirements. A third party prescription program administrator shall (1) establish and maintain a fiduciary account, separate and apart from any and all other accounts, for the receipt and disbursement of funds for reimbursement of providers of services under the program, or (2) post, or cause to be posted, a bond of indemnity in an amount equal to not less than 10% of the total estimated annual reimbursements under the program.

The establishment of such fiduciary accounts and bonds shall be consistent with applicable State law. If a bond of indemnity is posted, it shall be held by the Director ~~of Insurance~~ for the benefit and indemnification of the providers of services under the third party prescription program.

An administrator who operates more than one third party prescription program may establish and maintain a separate fiduciary account or bond of indemnity for each such program, or may operate and maintain a consolidated fiduciary account or bond of indemnity for all such programs.

The requirements of this Section do not apply to any third party prescription program administered by or on behalf of any insurance company, Health Care Service Plan Corporation or Pharmaceutical Service Plan Corporation authorized to do business in the State of Illinois.

(Source: P.A. 82-1005.)".

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 5618.

HOUSE BILL 5621. 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 5621 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 2-3.148 as follows:

(105 ILCS 5/2-3.148 new)

Sec. 2-3.148. International Baccalaureate Organization course incentive.

(a) In this Section:

"International baccalaureate course" means a high school level preparatory course for an international baccalaureate examination that incorporates each topic specified by the International Baccalaureate Organization on its standard syllabus for a particular subject area.

(b) Subject to appropriation and based on need as determined by the State Board of Education, the State Board shall reimburse the costs of providing an international baccalaureate course to a school that provides such a course and shall reimburse diploma costs for each student who graduates through the International Baccalaureate Organization's Diploma Program.

(c) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 5647. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 5647 on page 4, by inserting below line 16 the following:

"(f) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action

in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this subsection, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 5648. Having been reproduced, was taken up and read by title a second time.
The following amendment was offered in the Committee on Insurance, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5648 by replacing everything after the enacting clause with the following:

"Section 5. The Comprehensive Health Insurance Plan Act is amended by changing Section 2 as follows:
(215 ILCS 105/2) (from Ch. 73, par. 1302)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

"Plan administrator" means the insurer or third party administrator designated under Section 5 of this Act.

"Benefits plan" means the coverage to be offered by the Plan to eligible persons and federally eligible individuals pursuant to this Act.

"Board" means the Illinois Comprehensive Health Insurance Board.

"Church plan" has the same meaning given that term in the federal Health Insurance Portability and Accountability Act of 1996.

"Continuation coverage" means continuation of coverage under a group health plan or other health insurance coverage for former employees or dependents of former employees that would otherwise have terminated under the terms of that coverage pursuant to any continuation provisions under federal or State law, including the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), as amended, Sections 367.2, 367e, and 367e.1 of the Illinois Insurance Code, or any other similar requirement in another State.

"Covered person" means a person who is and continues to remain eligible for Plan coverage and is covered under one of the benefit plans offered by the Plan.

"Creditable coverage" means, with respect to a federally eligible individual, coverage of the individual under any of the following:

(A) A group health plan.

(B) Health insurance coverage (including group health insurance coverage).

(C) Medicare.

(D) Medical assistance.

(E) Chapter 55 of title 10, United States Code.

(F) A medical care program of the Indian Health Service or of a tribal organization.

(G) A state health benefits risk pool.

(H) A health plan offered under Chapter 89 of title 5, United States Code.

(I) A public health plan (as defined in regulations consistent with Section 104 of the Health Care Portability and Accountability Act of 1996 that may be promulgated by the Secretary of the U.S. Department of Health and Human Services).

(J) A health benefit plan under Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)).

(K) Any other qualifying coverage required by the federal Health Insurance Portability and Accountability Act of 1996, as it may be amended, or regulations under that Act.

"Creditable coverage" does not include coverage consisting solely of coverage of excepted benefits, as defined in Section 2791(c) of title XXVII of the Public Health Service Act (42 U.S.C. 300 gg-91), nor does it include any period of coverage under any of items (A) through (K) that occurred before a break of more than 90 days or, if the individual has been certified as eligible pursuant to the federal Trade Act of 2002, a break of more than 63 days during all of which the individual was not covered under any of items (A) through (K) above.

Any period that an individual is in a waiting period for any coverage under a group health plan (or for

group health insurance coverage) or is in an affiliation period under the terms of health insurance coverage offered by a health maintenance organization shall not be taken into account in determining if there has been a break of more than 90 days in any creditable coverage.

"Department" means the Illinois Department of Insurance.

"Dependent" means an Illinois resident: who is a spouse; or who is claimed as a dependent by the principal insured for purposes of filing a federal income tax return and resides in the principal insured's household, and is a resident unmarried child under the age of 19 years; or who is an unmarried child who also is a full-time student under the age of 23 years and who is financially dependent upon the principal insured; or who is a child of any age and who is disabled and financially dependent upon the principal insured.

"Direct Illinois premiums" means, for Illinois business, an insurer's direct premium income for the kinds of business described in clause (b) of Class 1 or clause (a) of Class 2 of Section 4 of the Illinois Insurance Code, and direct premium income of a health maintenance organization or a voluntary health services plan, except it shall not include credit health insurance as defined in Article IX 1/2 of the Illinois Insurance Code.

"Director" means the Director of the Illinois Department of Insurance.

"Effective date of medical assistance" means the date that eligibility for medical assistance for a person is approved by the Department of Human Services, except when the Department of Human Services determines eligibility retroactively. In such circumstances, the effective date of the medical assistance is the date the Department of Human Services determines the person to be eligible for medical assistance.

"Eligible person" means a resident of this State who qualifies for Plan coverage under Section 7 of this Act.

"Employee" means a resident of this State who is employed by an employer or has entered into the employment of or works under contract or service of an employer including the officers, managers and employees of subsidiary or affiliated corporations and the individual proprietors, partners and employees of affiliated individuals and firms when the business of the subsidiary or affiliated corporations, firms or individuals is controlled by a common employer through stock ownership, contract, or otherwise.

"Employer" means any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee, for which one or more persons is gainfully employed.

"Family" coverage means the coverage provided by the Plan for the covered person and his or her eligible dependents who also are covered persons.

"Federally eligible individual" means an individual resident of this State:

(1)(A) for whom, as of the date on which the individual seeks Plan coverage under Section 15 of this Act, the aggregate of the periods of creditable coverage is 18 or more months or, if the individual has been certified as eligible pursuant to the federal Trade Act of 2002, 3 or more months, and (B) whose most recent prior creditable coverage was under group health insurance coverage offered by a health insurance issuer, a group health plan, a governmental plan, or a church plan (or health insurance coverage offered in connection with any such plans) or any other type of creditable coverage that may be required by the federal Health Insurance Portability and Accountability Act of 1996, as it may be amended, or the regulations under that Act;

(2) who is not eligible for coverage under (A) a group health plan (other than an individual who has been certified as eligible pursuant to the federal Trade Act of 2002), (B) part A or part B of Medicare due to age (other than an individual who has been certified as eligible pursuant to the federal Trade Act of 2002), or (C) medical assistance, and does not have other health insurance coverage (other than an individual who has been certified as eligible pursuant to the federal Trade Act of 2002);

(3) with respect to whom (other than an individual who has been certified as eligible pursuant to the federal Trade Act of 2002) the most recent coverage within the coverage period described in paragraph (1)(A) of this definition was not terminated based upon a factor relating to nonpayment of premiums or fraud;

(4) if the individual (other than an individual who has been certified as eligible pursuant to the federal Trade Act of 2002) had been offered the option of continuation coverage under a COBRA continuation provision or under a similar State program, who elected such coverage; and

(5) who, if the individual elected such continuation coverage, has exhausted such continuation coverage under such provision or program.

However, an individual who has been certified as eligible pursuant to the federal Trade Act of 2002 shall not be required to elect continuation coverage under a COBRA continuation provision or under a similar state program.

"Group health insurance coverage" means, in connection with a group health plan, health insurance coverage offered in connection with that plan.

"Group health plan" has the same meaning given that term in the federal Health Insurance Portability and Accountability Act of 1996.

"Governmental plan" has the same meaning given that term in the federal Health Insurance Portability and Accountability Act of 1996.

"Health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any hospital and medical expense-incurred policy, certificate, or contract provided by an insurer, non-profit health care service plan contract, health maintenance organization or other subscriber contract, or any other health care plan or arrangement that pays for or furnishes medical or health care services whether by insurance or otherwise. Health insurance coverage shall not include short term, accident only, disability income, hospital confinement or fixed indemnity, dental only, vision only, limited benefit, or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of a workers' compensation or similar law, automobile medical-payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

"Health insurance issuer" means an insurance company, insurance service, or insurance organization (including a health maintenance organization and a voluntary health services plan) that is authorized to transact health insurance business in this State. Such term does not include a group health plan.

"Health Maintenance Organization" means an organization as defined in the Health Maintenance Organization Act.

"Hospice" means a program as defined in and licensed under the Hospice Program Licensing Act.

"Hospital" means a duly licensed institution as defined in the Hospital Licensing Act, an institution that meets all comparable conditions and requirements in effect in the state in which it is located, or the University of Illinois Hospital as defined in the University of Illinois Hospital Act.

"Individual health insurance coverage" means health insurance coverage offered to individuals in the individual market, but does not include short-term, limited-duration insurance.

"Insured" means any individual resident of this State who is eligible to receive benefits from any insurer (including health insurance coverage offered in connection with a group health plan) or health insurance issuer as defined in this Section.

"Insurer" means any insurance company authorized to transact health insurance business in this State and any corporation that provides medical services and is organized under the Voluntary Health Services Plans Act or the Health Maintenance Organization Act.

"Medical assistance" means the State medical assistance or medical assistance no grant (MANG) programs provided under Title XIX of the Social Security Act and Articles V (Medical Assistance) and VI (General Assistance) of the Illinois Public Aid Code (or any successor program) or under any similar program of health care benefits in a state other than Illinois.

"Medically necessary" means that a service, drug, or supply is necessary and appropriate for the diagnosis or treatment of an illness or injury in accord with generally accepted standards of medical practice at the time the service, drug, or supply is provided. When specifically applied to a confinement it further means that the diagnosis or treatment of the covered person's medical symptoms or condition cannot be safely provided to that person as an outpatient. A service, drug, or supply shall not be medically necessary if it: (i) is investigational, experimental, or for research purposes; or (ii) is provided solely for the convenience of the patient, the patient's family, physician, hospital, or any other provider; or (iii) exceeds in scope, duration, or intensity that level of care that is needed to provide safe, adequate, and appropriate diagnosis or treatment; or (iv) could have been omitted without adversely affecting the covered person's condition or the quality of medical care; or (v) involves the use of a medical device, drug, or substance not formally approved by the United States Food and Drug Administration.

"Medical care" means the ordinary and usual professional services rendered by a physician or other specified provider during a professional visit for treatment of an illness or injury.

"Medicare" means coverage under both Part A and Part B of Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395, et seq.

"Minimum premium plan" means an arrangement whereby a specified amount of health care claims is self-funded, but the insurance company assumes the risk that claims will exceed that amount.

"Participating transplant center" means a hospital designated by the Board as a preferred or exclusive provider of services for one or more specified human organ or tissue transplants for which the hospital has

signed an agreement with the Board to accept a transplant payment allowance for all expenses related to the transplant during a transplant benefit period.

"Physician" means a person licensed to practice medicine pursuant to the Medical Practice Act of 1987.

"Plan" means the Comprehensive Health Insurance Plan established by this Act.

"Plan of operation" means the plan of operation of the Plan, including articles, bylaws and operating rules, adopted by the board pursuant to this Act.

"Provider" means any hospital, skilled nursing facility, hospice, home health agency, physician, registered pharmacist acting within the scope of that registration, or any other person or entity licensed in Illinois to furnish medical care.

"Qualified high risk pool" has the same meaning given that term in the federal Health Insurance Portability and Accountability Act of 1996.

"Resident" means a person who is and continues to be legally domiciled and physically residing on a permanent and full-time basis in a place of permanent habitation in this State that remains that person's principal residence and from which that person is absent only for temporary or transitory purpose.

"Skilled nursing facility" means a facility or that portion of a facility that is licensed by the Illinois Department of Public Health under the Nursing Home Care Act or a comparable licensing authority in another state to provide skilled nursing care.

"Stop-loss coverage" means an arrangement whereby an insurer insures against the risk that any one claim will exceed a specific dollar amount or that the entire loss of a self-insurance plan will exceed a specific amount.

"Third party administrator" means an administrator as defined in Section 511.101 of the Illinois Insurance Code who is licensed under Article XXXI 1/4 of that Code.

(Source: P.A. 92-153, eff. 7-25-01; 93-33, eff. 6-23-03; 93-34, eff. 6-23-03; 93-477, eff. 8-8-03; 93-622, eff. 12-18-03.)

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 5650. 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 5650 on page 9, after line 6, by inserting the following:

"(c) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."; and

on page 12, after line 22, by inserting the following:

"(f) Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General

Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 5655 and 5666.

HOUSE BILL 5668. 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 5668 on page 1, by replacing lines 15 through 18 with the following:

"agency, the person must pay a registration fee. A person must also pay a registration fee when the person files for renewal of eligibility. These"; and

on page 2, by inserting after line 2 the following:

"Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 5691. 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 5691 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 10-5.5 as follows:
(720 ILCS 5/10-5.5)

Sec. 10-5.5. Unlawful parenting time ~~visitation~~ interference.

(a) As used in this Section, the terms "child", "detain", and "lawful custodian" shall have the meanings ascribed to them in Section 10-5 of this Code.

(b) Every person who, in violation of the visitation, parenting time, or custody time provisions of a court order relating to child custody, detains or conceals a child with the intent to deprive another person of his or her rights to visitation, parenting time, or custody time shall be guilty of unlawful parenting time ~~visitation~~

interference.

(c) A person committing unlawful parenting time visitation interference is guilty of a petty offense. However, any person violating this Section after 2 prior convictions of unlawful visitation interference or unlawful parenting time interference is guilty of a Class A misdemeanor.

(d) Any law enforcement officer who has probable cause to believe that a person has committed or is committing an act in violation of this Section shall issue to that person a notice to appear.

(e) The notice shall:

- (1) be in writing;
- (2) state the name of the person and his address, if known;
- (3) set forth the nature of the offense;
- (4) be signed by the officer issuing the notice; and
- (5) request the person to appear before a court at a certain time and place.

(f) Upon failure of the person to appear, a summons or warrant of arrest may be issued.

(g) It is an affirmative defense that:

(1) a person or lawful custodian committed the act to protect the child from imminent physical harm, provided that the defendant's belief that there was physical harm imminent was reasonable and that the defendant's conduct in withholding visitation rights, parenting time, or custody time was a reasonable response to the harm believed imminent;

(2) the act was committed with the mutual consent of all parties having a right to custody and visitation of the child or parenting time with the child; or

(3) the act was otherwise authorized by law.

(h) A person convicted of unlawful parenting time visitation interference shall not be subject to a civil contempt citation for the same conduct for violating visitation, parenting time, or custody time provisions of a court order issued under the Illinois Marriage and Dissolution of Marriage Act.

(Source: P.A. 88-96.)

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 5699, 5717, 5732, 5764 and 5768.

HOUSE BILL 5773. 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 5773 by deleting line 18 on page 10 through line 3 on page 11; and

on page 11, line 4, by replacing "(f)" with "(e)"; and
on page 12, line 7, by replacing "(g)" with "(f)"; and
on page 12, line 15, by replacing "(h)" with "(g)".

AMENDMENT NO. 2. Amend House Bill 5773 on page 1, line 15, by changing "shall accept" to "shall knowingly accept".

AMENDMENT NO. 3. Amend House Bill 5773, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.708 as follows:

(30 ILCS 105/5.708 new)

Sec. 5.708. The White Goods Recycling Fund.

Section 10. The Environmental Protection Act is amended by changing Section 22.28 as follows:

(415 ILCS 5/22.28) (from Ch. 111 1/2, par. 1022.28)

Sec. 22.28. White goods.

(a) ~~Beginning July 1, 2008 1994, no owner or operator of a landfill shall knowingly accept any white goods or white goods components for final disposal.~~

~~(b) Beginning July 1, 2008, no person shall knowingly process white goods by destruction or recycling unless the white good components have been removed.~~

~~(c) Beginning one year after the effective date of this amendatory Act of the 95th General Assembly, no person may knowingly deliver a white good for destruction and recycling unless it has had the white good components removed and has the notification number of a registered white goods processor affixed to it, except that white goods may be delivered for destruction and recycling with white good components intact if the person accepting the white goods for destruction and recycling has registered with the Agency as a white goods processor and has received a notification number pursuant to subsection (e) of this Section.~~

~~(d) Beginning July 1, 2008, all white good components removed by a white goods processor must be managed as special waste and treated in accordance with this Act and rules promulgated under this Act. No person may knowingly vent fluorocarbon refrigerant gasses into the atmosphere during the maintenance, servicing, repair, or disposal of refrigeration or air conditioning equipment in violation of State or federal statutes, rules, or regulations.~~

~~(e) Beginning July 1, 2008, any person who knowingly removes white good components from discarded white goods shall register with the Agency, before removing white good components, as a white goods processor and shall submit to the Agency, on a form prescribed and provided by the Agency, the following information:~~

~~(1) the name, address, and phone number of the processing facility;~~

~~(2) the name, address, and phone number of the owner and operator of the facility;~~

~~(3) a list of equipment and removal procedures to be used to assure proper removal of the major appliance components; and~~

~~(4) procedures for safe storage of major appliance components after removal.~~

~~The Agency shall assign a unique notification number to each white goods processing facility registered by an owner or operator.~~

~~(f) The White Goods Recycling Fund is created as a special fund in the State treasury. All amounts from penalties or punitive damages for violations of this Section must be deposited into the Fund. The Agency, subject to appropriation, shall use those amounts to enforce the provisions of this Section.~~

~~(g) Every 2 years, the Agency shall report to the Governor and to the General Assembly on its activities relating to enforcement of this Section.~~

~~person shall knowingly offer for collection or collect white goods for the purpose of disposal by landfilling unless the white good components have been removed.~~

~~(b) Beginning July 1, 1994, no owner or operator of a landfill shall accept any white goods for final disposal, except that white goods may be accepted if:~~

~~(1) the landfill participates in the Industrial Materials Exchange Service by communicating the availability of white goods;~~

~~(2) prior to final disposal, any white good components have been removed from the white goods; and~~

~~(3) if white good components are removed from the white goods at the landfill, a site operating plan satisfying this Act has been approved under the site operating permit and the conditions of such operating plan are met.~~

~~(h) (e) For the purposes of this Section:~~

~~(1) "White goods" shall include all discarded refrigerators, ranges, water heaters, freezers, air conditioners, stoves, clothes washers, clothes dryers, dehumidifiers, ovens, dishwashers, water coolers, heat pumps, chillers, furnaces, and boilers humidifiers and other similar domestic and commercial large appliances.~~

~~(2) "White good components" shall include:~~

~~(i) any chlorofluorocarbon refrigerant gas;~~

~~(ii) any electrical switch containing mercury;~~

~~(iii) any device that contains or may contain PCBs in a closed system, such as a dielectric fluid for a capacitor, ballast or other component; and~~

~~(iv) any fluorescent lamp that contains mercury.~~

~~(d) The Agency is authorized to provide financial assistance to units of local government from the Solid Waste Management Fund to plan for and implement programs to collect, transport and manage white goods. Units of local government may apply jointly for financial assistance under this Section.~~

~~Applications for such financial assistance shall be submitted to the Agency and must provide a description of:~~

(A) the area to be served by the program;
 (B) the white goods intended to be included in the program;
 (C) the methods intended to be used for collecting and receiving materials;
 (D) the property, buildings, equipment and personnel included in the program;
 (E) the public education systems to be used as part of the program;
 (F) the safety and security systems that will be used;
 (G) the intended processing methods for each white goods type;
 (H) the intended destination for final material handling location; and
 (I) any staging sites used to handle collected materials, the activities to be performed at such sites and the procedures for assuring removal of collected materials from such sites.

~~The application may be amended to reflect changes in operating procedures, destinations for collected materials, or other factors.~~

~~Financial assistance shall be awarded for a State fiscal year, and may be renewed, upon application, if the Agency approves the operation of the program.~~

~~(e) All materials collected or received under a program operated with financial assistance under this Section shall be recycled whenever possible. Treatment or disposal of collected materials are not eligible for financial assistance unless the applicant shows and the Agency approves which materials may be treated or disposed of under various conditions.~~

~~Any revenue from the sale of materials collected under such a program shall be retained by the unit of local government and may be used only for the same purposes as the financial assistance under this Section.~~

~~(i) (f) The Agency is authorized to adopt rules necessary or appropriate to the administration of this Section.~~

~~(j) No rulemaking authority. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this subsection, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.~~

~~(g) (Blank).~~

(Source: P.A. 91-798, eff. 7-9-00.)

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

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.

HOUSE BILL 5776. 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 5776 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Agriculture Law of the Civil Administrative Code of Illinois is amended by adding Section 205-26 as follows:

(20 ILCS 205/205-26 new)

Sec. 205-26. Fairs; premises ID numbers. The Department shall not require a premises identification number or electronic identification under the National Animal Identification System to exhibit or enter livestock, poultry, rabbits, horses, or any other animal at any fair or exhibition in Illinois, unless required

by federal law or regulation. The Department shall develop a process for persons to withdraw from the National Animal Identification System registration, and that process shall provide for the removal of a person's information from the Department's database. The Department shall also cooperate with the United States Department of Agriculture to provide for people to withdraw from the federal database. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this Section, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

Section 99. Effective date. This Act takes effect January 1, 2009."

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 5860. 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 5860 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois is amended by changing Section 805-305 as follows:

(20 ILCS 805/805-305) (was 20 ILCS 805/63a23)

Sec. 805-305. Campsites and housing facilities. The Department has the power to provide facilities for overnight tent and trailer camp sites and to provide suitable housing facilities for student and juvenile overnight camping groups. The Department of Natural Resources may regulate, by administrative order, the fees to be charged for tent and trailer camping units at individual park areas based upon the facilities available. However, for campsites with access to showers or electricity, any Illinois resident who is age 62 or older or has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act shall be charged only one-half of the camping fee charged to the general public during the period Monday through Thursday of any week and shall be charged the same camping fee as the general public on all other days. For campsites without access to showers or electricity, no camping fee authorized by this Section shall be charged to any resident of Illinois who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act. For campsites without access to showers or electricity, no camping fee authorized by this Section shall be charged to any resident of Illinois who is age 62 or older for the use of a camp site unit during the period Monday through Thursday of any week. No camping fee authorized by this Section shall be charged to any resident of Illinois who is a disabled veteran or a former prisoner of war, as defined in Section 5 of the Department of Veterans Affairs Act. No camping fee authorized by this Section shall be charged to any resident of Illinois after returning from service abroad or mobilization by the President of the United States as an active duty member of the United States Armed Forces, the Illinois National Guard, or the Reserves of the United States Armed Forces for as long as he or she maintains Illinois residency the amount of time that the active duty member spent in service abroad or mobilized if the person applies for a pass at the Department office in Springfield after within 2 years of returning and provides verification of service or mobilization to the Department; any portion of a year that the active duty member spent in service abroad or mobilized shall count as a full year. Nonresidents shall be charged the same fees as are authorized for the general public regardless of age. The Department shall provide by regulation for suitable proof of age, or either a valid driver's license or a "Golden Age Passport" issued by the federal government shall be acceptable as proof of age. The Department shall further provide by regulation that notice of these

reduced admission fees be posted in a conspicuous place and manner.

Reduced fees authorized in this Section shall not apply to any charge for utility service.

(Source: P.A. 94-313, eff. 7-25-05.)

Section 10. The Fish and Aquatic Life Code is amended by changing Section 20-47 as follows:

(515 ILCS 5/20-47)

Sec. 20-47. Military members returning from mobilization and service outside the United States.

(a) After returning from service abroad or mobilization by the President of the United States as an active duty member of the United States Armed Forces, the Illinois National Guard, or the Reserves of the United States Armed Forces, an Illinois resident may fish as permitted by this Code without paying any fees required to obtain a fishing license for as long as he or she maintains Illinois residency ~~the time period prescribed by subsection (b) of this Section~~ if the Illinois resident applies for a license after ~~within 2 years of~~ returning from service abroad or mobilization. The applicant shall provide verification of service or mobilization to the Department at the Department's office in Springfield.

~~(b) For each year that an applicant is an active duty member pursuant to subsection (a) of this Section, the applicant shall receive one free fishing license. For the purposes of this determination, if the period of active duty is a portion of a year (for example, one year and 3 months), the applicant will be credited with a full year for the portion of a year served.~~

~~(b) (e)~~ The Department shall establish what constitutes suitable verification of service or mobilization under subsection (a) of this Section.

(Source: P.A. 94-313, eff. 7-25-05.)

Section 15. The Wildlife Code is amended by changing Section 3.1-4 as follows:

(520 ILCS 5/3.1-4)

Sec. 3.1-4. Military members returning from mobilization and service outside the United States.

(a) After returning from service abroad or mobilization by the President of the United States as an active duty member of the United States Armed Forces, the Illinois National Guard, or the Reserves of the United States Armed Forces, an Illinois resident may hunt any of the species protected by Section 2.2 of this Code without paying any fees required to obtain a hunting license for as long as he or she maintains Illinois residency ~~the time period prescribed by subsection (b) of this Section~~ if the Illinois resident applies for a license after ~~within 2 years of~~ returning from service abroad or mobilization. The applicant shall provide verification of service or mobilization to the Department at the Department's office in Springfield.

~~(b) For each year that an applicant is an active duty member pursuant to subsection (a) of this Section, the applicant shall receive one free hunting license, one free Deer Hunting Permit as provided in Section 2.26 of this Code and rules adopted pursuant to that Section, and one free State Habitat Stamp. For the purposes of this determination, if the period of active duty is a portion of a year (for example, one year and 3 months), the applicant will be credited with a full year for the portion of a year served.~~

(c) The Department shall establish what constitutes suitable verification of service or mobilization under subsection (a) of this Section.

(Source: P.A. 94-313, eff. 7-25-05.)

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 5865. 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 5865, on page 9, by deleting lines 9 and 10; and on page 11, immediately below line 1, by inserting the following:

"Section 20. No authority to make or promulgate rules. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this Act. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this Act, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's

discretion. Nothing contained in this Act shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this Act, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 5868. 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 5868 by replacing everything after the enacting clause with the following:

"Section 5. The Smoke Free Illinois Act is amended by changing Section 35 as follows:

(410 ILCS 82/35)

Sec. 35. Exemptions. Notwithstanding any other provision of this Act, smoking is allowed in the following areas:

(1) Private residences or dwelling places, except when used as a child care, adult day care, or healthcare facility or any other home-based business open to the public.

(2) Retail tobacco stores as defined in Section 10 of this Act in operation prior to the effective date of this amendatory Act of the 95th General Assembly. This exemption shall also apply to a retail tobacco store that applied for a business or occupancy permit before January 1, 2008. The retail tobacco store shall annually file with the Department by January 31st an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after the effective date of this amendatory Act may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited. Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor.

(3) Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.

(4) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

(Source: P.A. 95-17, eff. 1-1-08.)

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 5898, 5901 and 5930.

HOUSE BILL 5942. Having been reproduced, was taken up and read by title a second time. Representative Tracy moved that the Balanced Budget Note and Fiscal Note are inapplicable. And on that motion, a vote was taken resulting as follows:
101, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 6)
The motion prevailed.

There being no further action pending, the bill was advanced to the order of Third Reading.

HOUSE BILL 5950. 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 5950 on page 2, immediately below line 8, by inserting the following:

"Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this Act. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this Act, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and the Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this Act shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this Act, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 5953.

HOUSE BILL 5956. Having been reproduced, was taken up and read by title a second time. Representative Munson moved that the Balanced Budget Note is inapplicable. And on that motion, a vote was taken resulting as follows:
105, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 7)
The motion prevailed.

There being no further action pending, the bill was held on the order of Second Reading.

HOUSE BILL 5969. 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 5969 on page 11, after line 8, by inserting the following:
"Notwithstanding any other rulemaking authority that may exist, neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any authority to make or promulgate rules to implement or enforce the provisions of this amendatory Act of the 95th General Assembly. If, however, the Governor believes that rules are necessary to implement or enforce the provisions of this amendatory Act of the 95th General Assembly, the Governor may suggest rules to the General Assembly by filing them with the Clerk of the House and Secretary of the Senate and by requesting that the General Assembly authorize such rulemaking by law, enact those suggested rules into law, or take any other appropriate action in the General Assembly's discretion. Nothing contained in this amendatory Act of the 95th General Assembly shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given. For the purposes of this amendatory Act of the 95th General Assembly, "rules" is given the meaning contained in Section 1-70 of the Illinois Administrative Procedure Act, and "agency" and "agency head" are given the meanings contained in Sections 1-20 and 1-25 of the Illinois Administrative Procedure Act to the extent that such definitions apply to agencies or agency heads under the jurisdiction of the Governor."

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 5970.

HOUSE BILL 5978. 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 5978 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Renewable Fuels Development Program Act is amended by changing Section 20 as follows:

(20 ILCS 689/20)

Sec. 20. Grants. Subject to appropriation, the Director is authorized to award grants to eligible applicants. The annual aggregate amount of grants awarded shall not exceed \$20,000,000, except that this amount does not include amounts, up to \$4,000,000 per grant, that may be awarded to each eligible applicant who installs advanced technologies for water usage, carbon footprint reduction, and other blending improvements designed to optimize processes at the applicant's renewable fuels facility.

(Source: P.A. 93-15, eff. 6-11-03; 93-618, eff. 12-11-03; 94-839, eff. 6-6-06.)

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 5981 and 5983.

RECALL

At the request of the principal sponsor, Representative Graham, HOUSE BILL 796 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

HOUSE BILLS ON SECOND READING

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: HOUSE BILL 5536.

RESOLUTION

Having been reported out of the Committee on Rules on March 13, 2008, HOUSE RESOLUTION 970 was taken up for consideration.

Representative Howard moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 1078, 1082, 1084, 1085, 1086, 1087, 1088 and 1089 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

MESSAGES FROM THE SENATE

A message from the Senate by

Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE JOINT RESOLUTION NO. 87

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, March 13, 2008, the Senate stands adjourned until Wednesday, March 19, 2008, in perfunctory session; and when it adjourns on that day, it stands adjourned until Wednesday, March 26, 2008, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, April 01, 2008, at 12:00 o'clock noon; and the House of Representatives stands adjourned until Tuesday, March 18, 2008, in perfunctory session; and when it adjourns on that day, it stands adjourned until Thursday, March 20, 2008, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, March 25, 2008, in perfunctory session; and when it adjourns on that day, it stands adjourned until Thursday, March 27, 2008, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, April 01, 2008.

Adopted by the Senate, March 13, 2008.

Deborah Shipley, Secretary of the Senate

SENATE JOINT RESOLUTION 87 was taken up for immediate consideration.

Representative Currie moved the adoption of the resolution.

The motion prevailed and SENATE JOINT RESOLUTION 87 was adopted.

Ordered that the Clerk inform the Senate.

RECALL

At the request of the principal sponsor, Representative Arroyo, HOUSE BILL 4861 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

HOUSE BILLS ON SECOND READING

HOUSE BILL 5188. 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 5188 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois School Student Records Act is amended by changing Section 2 as follows:

(105 ILCS 10/2) (from Ch. 122, par. 50-2)

Sec. 2. As used in this Act:

(a) "Student" means any person enrolled or previously enrolled in a school.

(b) "School" means any public preschool, day care center, kindergarten, nursery, elementary or secondary educational institution, vocational school, special educational facility or any other elementary or secondary educational agency or institution and any person, agency or institution which maintains school student records from more than one school, but does not include a private or non-public school.

(c) "State Board" means the State Board of Education.

(d) "School Student Record" means any writing or other recorded information concerning a student and by which a student may be individually identified, maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored. The following shall not be deemed school student records under this Act: writings or other recorded information maintained by an employee of a school or other person at the direction of a school for his or her exclusive use; provided that all such writings and other recorded information are destroyed not later than the student's graduation or permanent withdrawal from the school; and provided further that no such records or recorded information may be released or disclosed to any person except a person designated by the school as a substitute unless they are first incorporated in a school student record and made subject to all of the provisions of this Act. School student records shall not include information maintained by law enforcement professionals working in the school.

(e) "Student Permanent Record" means the minimum personal information necessary to a school in the education of the student and contained in a school student record. Such information may include the student's name, birth date, address, grades and grade level, parents' names and addresses, attendance records, and such other entries as the State Board may require or authorize.

(f) "Student Temporary Record" means all information contained in a school student record but not contained in the student permanent record. Such information may include family background information, intelligence test scores, aptitude test scores, psychological and personality test results, teacher evaluations, and other information of clear relevance to the education of the student, all subject to regulations of the State Board. The information shall include information provided under Section 8.6 of the Abused and Neglected Child Reporting Act. In addition, the student temporary record shall include information regarding serious disciplinary infractions that resulted in expulsion, suspension, or the imposition of punishment or sanction. For purposes of this provision, serious disciplinary infractions means: infractions involving drugs, weapons, or bodily harm to another.

(g) "Parent" means a person who is the natural parent of the student or other person who has the primary responsibility for the care and upbringing of the student. All rights and privileges accorded to a parent under this Act shall become exclusively those of the student upon his 18th birthday, graduation from secondary school, marriage or entry into military service, whichever occurs first. Such rights and privileges may also be exercised by the student at any time with respect to the student's permanent school record.

(h) For purposes of subsection (f) of Section 5 of this Act, "psychotherapist" means a person who is a school social worker, school psychologist, or school counselor, as those terms are defined in the School Code, or an intern working under the direct supervision of a school social worker, school psychologist, or school counselor.

(Source: P.A. 92-295, eff. 1-1-02.)

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.

RECALL

At the request of the principal sponsor, Representative Brady, HOUSE BILL 5278 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

At the hour of 4:07 o'clock p.m., Representative Currie moved that the House do now adjourn, allowing perfunctory time for the Clerk.

The motion prevailed.

And in accordance therewith and pursuant to SENATE JOINT RESOLUTION 87, the House stood adjourned until Tuesday, April 1, 2008, at 12:00 o'clock noon.

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

March 13, 2008

0 YEAS

0 NAYS

108 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	E Ford	P McAuliffe	P Saviano
P Boland	P Fortner	P McCarthy	P Schmitz
P Bost	P Franks	P McGuire	E Schock
P Bradley, John	P Fritchey	P Mendoza	E Scully
E Bradley, Richard	P Froehlich	P Meyer	P Smith
P Brady	E 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	E Washington
P Crespo	P Holbrook	P Osterman	E Watson
P Cross	P Howard	P Patterson	P Winters
P Cultra	P Jakobsson	P Phelps	P Yarbrough
P Currie	E 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	E Kosel	P Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5013
 SST BD ED-SCIENCE OLYMPIAD
 SECOND READING
 BALANCED BUDGET NOTE INAPPLICABLE
 PREVAILED

March 13, 2008

106 YEAS

1 NAY

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	E Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	N McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	E Schock
Y Bradley, John	Y Fritchey	Y Mendoza	E Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	E Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y 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	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	E Washington
Y Crespo	Y Holbrook	A Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	E Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	A Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	E Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5151
 SDPH-KIDNEY DISEASE
 SECOND READING
 BALANCED BUDGET NOTE INAPPLICABLE
 PREVAILED

March 13, 2008

106 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	A May	Y Sacia
Y Black	E Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	E Schock
Y Bradley, John	Y Fritchey	Y Mendoza	E Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	E Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y 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	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	E Washington
Y Crespo	Y Holbrook	A Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	E Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	A Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	E Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5095
 \$DCFS-FOSTER PARENT-STATE WARD
 SECOND READING
 BALANCED BUDGET NOTE INAPPLICABLE
 PREVAILED

March 13, 2008

104 YEAS

2 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	A May	Y Sacia
Y Black	E Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	N McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	E Schock
Y Bradley, John	Y Fritchey	Y Mendoza	E Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	E Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y 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	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	N Hoffman	Y Osmond	E Washington
Y Crespo	Y Holbrook	A Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	E Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	A Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	E Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5306
 \$DPH-PILOT PROJ-AIDS
 SECOND READING
 BALANCED BUDGET NOTE INAPPLICABLE
 PREVAILED

March 13, 2008

100 YEAS

2 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	A Lang	Y Reis
Y Bassi	A Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	A May	Y Sacia
Y Black	E Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	N McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	E Schock
Y Bradley, John	Y Fritchey	Y Mendoza	E Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	E Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	A Granberg	Y Moffitt	A Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	N Hoffman	Y Osmond	E Washington
Y Crespo	Y Holbrook	A Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	E Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	A Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	E Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5942
 SAG SECURITY GRANTS
 SECOND READING
 FISCAL & BALANCED BUDGET NOTES INAPPLICABLE
 PREVAILED

March 13, 2008

101 YEAS	0 NAYS	0 PRESENT	
Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	A May	Y Sacia
Y Black	E Ford	A McAuliffe	A Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	E Schock
Y Bradley, John	Y Fritchey	Y Mendoza	E Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	E Golar	Y Miller	A Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	A Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	E Washington
Y Crespo	Y Holbrook	A Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
A Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	E Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	A Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	E Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5956
\$ISBE-SCH BUILDINGS-COMPUTERS
SECOND READING
BALANCED BUDGET NOTE INAPPLICABLE
PREVAILED

March 13, 2008

105 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	A Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	E Ford	A McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	E Schock
Y Bradley, John	Y Fritchey	Y Mendoza	E Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	E Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y 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	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	E Washington
Y Crespo	Y Holbrook	A Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	E Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	A Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	E Kosel	Y Ramey	

E - Denotes Excused Absence

239TH LEGISLATIVE DAY**Perfunctory Session****THURSDAY, MARCH 13, 2008**

At the hour of 4:26 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 6305. Introduced by Representatives Reboletti - Crespo - Biggins - Ramey, AN ACT concerning local government.

HOUSE BILL 6306. Introduced by Representative Coulson, AN ACT concerning appropriations.

HOUSE BILL 6307. Introduced by Representative Bassi, AN ACT concerning local government.

HOUSE BILL 6308. Introduced by Representative Pihos, AN ACT concerning appropriations.

HOUSE BILL 6309. Introduced by Representative Munson, AN ACT concerning appropriations.

HOUSE BILL 6310. Introduced by Representative May, AN ACT concerning appropriations.

HOUSE BILL 6311. Introduced by Representative Sullivan, AN ACT concerning revenue.

HOUSE BILL 6312. Introduced by Representative Sullivan, AN ACT concerning revenue.

HOUSE BILL 6313. Introduced by Representative Colvin, AN ACT concerning appropriations.

HOUSE BILL 6314. Introduced by Representatives Pihos - Bellock, AN ACT concerning appropriations.

HOUSE BILL 6315. Introduced by Representative Coulson, AN ACT concerning appropriations.

At the hour of 4:27 o'clock p.m., the House Perfunctory Session adjourned.