

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-FIFTH GENERAL ASSEMBLY

254TH LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

THURSDAY, APRIL 17, 2008

10:10 O'CLOCK A.M.

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The House met pursuant to adjournment.

Speaker of the House Madigan in the chair.

Prayer by Reverend Terry Harter, Pastor of First United Methodist Church in Champaign, IL.

Representative Jakobsson 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:

114 present. (ROLL CALL 1)

By unanimous consent, Representatives Richard Bradley, Dugan, Washington and Watson were excused from attendance.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Rose replaced Representative Black in the Committee on Rules on April 17, 2008.

Representative Brosnahan replaced Representative Dugan in the Committee on State Government Administration on April 17, 2008.

Representative Durkin replaced Representative Watson in the Committee on State Government Administration on April 17, 2008.

Representative Osmond replaced Representative Saviano in the Committee on Registration and Regulation on April 17, 2008.

Representative Leitch replaced Representative Durkin in the Committee on Insurance on April 17, 2008.

Representative Coulson replaced Representative Dunn in the Committee on Insurance on April 17, 2008.

Representative Pihos replaced Representative Dunn in the Committee on Judiciary I - Civil Law on April 17, 2008.

Representative Mautino replaced Representative John Bradley in the Committee on Judiciary I - Civil Law on April 17, 2008.

Representative McGuire replaced Representative Hamos in the Committee on Judiciary I - Civil Law on April 17, 2008.

Representative Ford replaced Representative Richard Bradley in the Committee on Registration and Regulation on April 17, 2008.

Representative McGuire replaced Representative Acevedo in the Committee on Registration and Regulation on April 17, 2008.

Representative Mautino replaced Representative Burke in the Committee on Registration and Regulation on April 17, 2008.

Representative Jakobsson replaced Representative Dugan in the Committee on Agriculture & Conservation on April 17, 2008.

Representative Rose replaced Representative Cultra in the Committee on Agriculture & Conservation on April 17, 2008.

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on April 17, 2008, reported the same back with the following recommendations:

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Elementary & Secondary Education: HOUSE JOINT RESOLUTION 129.

The committee roll call vote on the foregoing Legislative Measure is as follows:

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

A Currie(D), Chairperson
Y Hannig(D)
Y Turner(D)

Y Rose(R) (replacing Black)
A Hassert(R)

REPORTS FROM STANDING COMMITTEES

Representative Jakobsson, Chairperson, from the Committee on Human Services to which the following were referred, action taken on April 17, 2008, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 2 to HOUSE BILL 4401.

The committee roll call vote on Amendment No. 2 to House Bill 4401 is as follows:

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

Y Jakobsson(D), Chairperson
Y Bellock(R), Republican Spokesperson
Y Collins(D)
A Flowers(D)
Y Schmitz(R)

Y Howard(D), Vice-Chairperson
Y Cole(R)
Y Coulson(R)
Y Riley(D)

Representative Fritchey, Chairperson, from the Committee on Judiciary I - Civil Law to which the following were referred, action taken on April 17, 2008, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 2 to HOUSE BILL 5189.

Amendment No. 2 to HOUSE BILL 5503.

The committee roll call vote on Amendment No. 2 to House Bill 5189 is as follows:

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

N Fritchey(D), Chairperson
Y Rose(R), Republican Spokesperson
Y Coladipietro(R)
A Gordon(D)
A Hoffman(D)
Y Mathias(R)
Y Osmond(R)

N Mautino(D) (replacing Bradley,J)
A Brosnahan(D)
Y Dunn(R)
Y Hamos(D)
Y Lang(D)
N Nekritz(D)
Y Wait(R)

The committee roll call vote on Amendment No. 2 to House Bill 5503 is as follows:

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

Y Fritchey(D), Chairperson
Y Rose(R), Republican Spokesperson
A Coladipietro(R)

Y Mautino(D) (replacing Bradley,J)
A Brosnahan(D)
Y Pihos(R) (replacing Dunn)

A Gordon(D)
 A Hoffman(D)
 Y Mathias(R)
 Y Osmond(R)

Y McGuire(D) (replacing Hamos)
 Y Lang(D)
 A Nekritz(D)
 Y Wait(R)

Representative Miller, Chairperson, from the Committee on Registration and Regulation to which the following were referred, action taken on April 17, 2008, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
 Amendment No. 1 to HOUSE BILL 2248.

The committee roll call vote on Amendment No. 1 to House Bill 2248 is as follows:
 14, Yeas; 0, Nays; 0, Answering Present.

Y Osmond(R) (replacing Saviano)
 Y Coulson(R), Republican Spokesperson
 Y Beiser(D)
 Y Ford(D) (replacing Bradley,R)
 Y Mautino(D) (replacing Burke)
 Y Holbrook(D)
 A Joyce(D)
 A McAuliffe(R)
 A Meyer(R)
 A Mulligan(R)
 A Pihos(R)
 A Sullivan(R)

Y Fritchey(D), Vice-Chairperson
 Y McGuire(D) (replacing Acevedo)
 Y Bost(R)
 A Brauer(R)
 A Coladipietro(R)
 Y Jefferies(D)
 Y Kosel(R)
 Y Mendoza(D)
 Y Miller(D)
 Y Phelps(D)
 A Reitz(D)

Representative Reitz, Chairperson, from the Committee on Agriculture & Conservation to which the following were referred, action taken on April 17, 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 1027, 1030, 1076, 1127 and HOUSE JOINT RESOLUTION 117.

The committee roll call vote on House Resolutions 1027, 1030, 1076, 1127 and House Joint Resolution 117 is as follows:

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

Y Reitz(D), Chairperson
 Y Sacia(R), Republican Spokesperson
 Y Jakobsson(D) (replacing Dugan)
 Y Moffitt(R)
 Y Reis(R)

Y Phelps(D), Vice-Chairperson
 Y Rose(R) (replacing Cultra)
 Y Flider(D)
 Y Myers(R)
 Y Verschoore(D)

Representative Joyce, Chairperson, from the Committee on Aging to which the following were referred, action taken on April 17, 2008, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
 Amendment No. 1 and 2 to HOUSE BILL 5703.

The committee roll call vote on Amendments Numbered 1 and 2 to House Bill 5703 is as follows:
 12, Yeas; 0, Nays; 0, Answering Present.

Y Joyce(D), Chairperson
 Y Pihos(R), Republican Spokesperson
 Y D'Amico(D)
 Y Harris(D)
 Y Lyons(D)
 Y Mitchell, Jerry(R)

Y Beiser(D), Vice-Chairperson
 Y Coladipietro(R)
 Y Franks(D)
 A Jefferson(D)
 Y McGuire(D)
 Y Ramey(R)

A Saviano(R)

Y Tracy(R)

Representative Mautino, Chairperson, from the Committee on Insurance to which the following were referred, action taken on April 17, 2008, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 2 to HOUSE BILL 4647.

The committee roll call vote on Amendment No. 2 to House Bill 4647 is as follows:

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

Y Mautino(D), Chairperson	Y Yarbrough(D), Vice-Chairperson
Y Osmond(R), Republican Spokesperson	Y Beaubien(R)
Y Berrios(D)	Y Bradley, John(D)
Y Holbrook(D) (replacing Bradley,R)	Y Brady(R)
Y Colvin(D)	A Dunkin(D)
Y Coulson(R) (replacing Dunn)	Y Leitch(R) (replacing Durkin)
A Feigenholtz(D)	Y Osterman(D) (replacing Granberg)
Y Lang(D)	A Mitchell, Bill(R)
Y Munson(R)	Y Rita(D)
Y Rose(R)	A Stephens(R)

Representative Smith, Chairperson, from the Committee on Elementary & Secondary Education to which the following were referred, action taken on April 17, 2008, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 3 to HOUSE BILL 4900.

The committee roll call vote on Amendment No. 3 to House Bill 4900 is as follows:

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

Y Smith(D), Chairperson	Y Davis, Monique(D), Vice-Chairperson
Y Mitchell, Jerry(R), Republican Spokesperson	Y Bassi(R)
Y Soto(D) (replacing Chapa LaVia)	Y Crespo(D)
Y Dugan(D)	Y Eddy(R)
Y Flider(D)	Y Froehlich(D)
Y Golar(D)	Y Joyce(D)
N Kosel(R)	Y Miller(D)
A Mulligan(R)	Y Munson(R)
Y Osterman(D)	Y Phelps(D)
N Pihos(R)	Y Pritchard(R)
Y Reis(R)	A Watson(R)
Y Yarbrough(D)	

Representative Franks, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on April 17, 2008, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 2 to HOUSE BILL 5546.

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 1188.

That the resolution be reported "do pass" and be placed on the House Calendar: HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 44.

That the executive order be reported "recommends disapproval": EXECUTIVE ORDER 801.

The committee roll call vote on Amendment No. 2 to House Bill 5546 , House Resolution 1188 and Executive Order 801 is as follows:

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

Y Franks(D), Chairperson
Y Pritchard(R), Republican Spokesperson
Y Collins(D)
Y Froehlich(D)
Y Krause(R)
Y Poe(R)
Y Durkin(R) (replacing Watson)

Y Brosnahan(D) (replacing Dugan)
Y Bradley, John(D)
Y Davis, Monique(D)
Y Gordon(D)
Y Myers(R)
Y Ramey(R)

The committee roll call vote on House Joint Resolution Constitutional Amendment 44 is as follows:
9, Yeas; 2, Nays; 2, Answering Present.

Y Franks(D), Chairperson
N Pritchard(R), Republican Spokesperson
Y Collins(D)
Y Froehlich(D)
P Krause(R)
Y Poe(R)
P Durkin(R) (replacing Watson)

Y Brosnahan(D) (replacing Dugan)
Y Bradley, John(D)
Y Davis, Monique(D)
Y Gordon(D)
N Myers(R)
Y Ramey(R)

STATE DEBT IMPACT NOTE SUPPLIED

A State Debt Impact Note has been supplied for HOUSE BILL 311, as amended.

STATE MANDATES FISCAL NOTE SUPPLIED

A State Mandates Fiscal Note has been supplied for HOUSE BILL 4913, as amended.

FISCAL NOTE SUPPLIED

A Fiscal Note has been supplied for HOUSE BILL 4913, as amended.

FISCAL NOTE REQUEST WITHDRAWN

Representative Molaro withdrew his request for a Fiscal Note on HOUSE BILL 5592, as amended.

HOME RULE NOTE REQUEST WITHDRAWN

Representative Molaro withdrew his request for a Home Rule Note on HOUSE BILL 5592, as amended.

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 passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 786
A bill for AN ACT concerning finance.

SENATE BILL NO. 1958

A bill for AN ACT concerning public employee benefits.
SENATE BILL NO. 1959

A bill for AN ACT concerning public employee benefits.
SENATE BILL NO. 1960

A bill for AN ACT concerning public employee benefits.
SENATE BILL NO. 2148

A bill for AN ACT concerning revenue.
SENATE BILL NO. 2232

A bill for AN ACT concerning civil law.
SENATE BILL NO. 2293

A bill for AN ACT concerning education.
SENATE BILL NO. 2329

A bill for AN ACT concerning tourism.
SENATE BILL NO. 2332

A bill for AN ACT concerning State government.
SENATE BILL NO. 2344

A bill for AN ACT concerning finance.
SENATE BILL NO. 2362

A bill for AN ACT concerning public employee benefits.
SENATE BILL NO. 2407

A bill for AN ACT concerning fish.
SENATE BILL NO. 2413

A bill for AN ACT concerning education.
SENATE BILL NO. 2452

A bill for AN ACT concerning criminal law.
SENATE BILL NO. 2482

A bill for AN ACT concerning education.
Passed by the Senate, April 16, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILLS 786, 1958, 1959, 1960, 2148, 2232, 2293, 2329, 2332, 2344, 2362, 2407, 2413, 2452 and 2482 were ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by
Ms. Shipley, Secretary:

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

SENATE BILL NO. 848
A bill for AN ACT concerning education.

SENATE BILL NO. 878
A bill for AN ACT concerning regulation.

SENATE BILL NO. 885
A bill for AN ACT concerning regulation.

SENATE BILL NO. 993
A bill for AN ACT concerning transportation.

SENATE BILL NO. 1938
A bill for AN ACT concerning public aid.

SENATE BILL NO. 1985
A bill for AN ACT concerning public employee benefits.

SENATE BILL NO. 2002
A bill for AN ACT concerning government.

SENATE BILL NO. 2033

- A bill for AN ACT concerning local government.
SENATE BILL NO. 2052
- A bill for AN ACT concerning local government.
SENATE BILL NO. 2110
- A bill for AN ACT concerning the environment.
SENATE BILL NO. 2111
- A bill for AN ACT concerning administrative review.
SENATE BILL NO. 2112
- A bill for AN ACT concerning public aid.
SENATE BILL NO. 2113
- A bill for AN ACT concerning State government.
SENATE BILL NO. 2118
- A bill for AN ACT concerning courts.
SENATE BILL NO. 2129
- A bill for AN ACT concerning regulation.
SENATE BILL NO. 2231
- A bill for AN ACT concerning liquor.
SENATE BILL NO. 2254
- A bill for AN ACT concerning criminal law.
SENATE BILL NO. 2256
- A bill for AN ACT concerning human rights.
SENATE BILL NO. 2275
- A bill for AN ACT in relation to minors.
SENATE BILL NO. 2349
- A bill for AN ACT concerning criminal law, which may be referred to as the Child Protection Act of 2008.
SENATE BILL NO. 2354
- A bill for AN ACT concerning courts.
SENATE BILL NO. 2396
- A bill for AN ACT concerning transportation.
SENATE BILL NO. 2399
- A bill for AN ACT concerning health.
SENATE BILL NO. 2513
- A bill for AN ACT concerning regulation.
SENATE BILL NO. 2531
- A bill for AN ACT concerning public aid.
SENATE BILL NO. 2562
- A bill for AN ACT concerning wildlife.
SENATE BILL NO. 2636
- A bill for AN ACT concerning property.
SENATE BILL NO. 2638
- A bill for AN ACT concerning education.
SENATE BILL NO. 2640
- A bill for AN ACT concerning government.
SENATE BILL NO. 2643
- A bill for AN ACT concerning revenue.
SENATE BILL NO. 2657
- A bill for AN ACT concerning State government.
SENATE BILL NO. 2678
- A bill for AN ACT concerning local government.
SENATE BILL NO. 2686
- A bill for AN ACT concerning education.
SENATE BILL NO. 2687
- A bill for AN ACT concerning education.
SENATE BILL NO. 2688
- A bill for AN ACT concerning education.
SENATE BILL NO. 2689

A bill for AN ACT concerning education.
 SENATE BILL NO. 2696
 A bill for AN ACT concerning regulation.
 SENATE BILL NO. 2707
 A bill for AN ACT concerning health.
 SENATE BILL NO. 2718
 A bill for AN ACT concerning criminal law.
 SENATE BILL NO. 2721
 A bill for AN ACT concerning civil law.
 Passed by the Senate, April 16, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILLS 848, 878, 885, 993, 1938, 1985, 2002, 2033, 2052, 2110, 2111, 2112, 2113, 2118, 2129, 2231, 2254, 2256, 2275, 2349, 2354, 2396, 2399, 2513, 2531, 2562, 2636, 2638, 2640, 2643, 2657, 2678, 2686, 2687, 2688, 2689, 2696, 2707, 2718 and 2721 were ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by
 Ms. Shipley, Secretary:
 Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 2085
 A bill for AN ACT concerning local government.
 SENATE BILL NO. 2285
 A bill for AN ACT concerning regulation.
 Passed by the Senate, April 16, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILLS 2085 and 2285 were ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by
 Ms. Shipley, Secretary:
 Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 2733
 A bill for AN ACT concerning local government.
 SENATE BILL NO. 2743
 A bill for AN ACT concerning local government.
 SENATE BILL NO. 2744
 A bill for AN ACT concerning local government.
 SENATE BILL NO. 2749
 A bill for AN ACT concerning local government.
 SENATE BILL NO. 2760
 A bill for AN ACT concerning regulation.
 SENATE BILL NO. 2784
 A bill for AN ACT concerning civil law.
 SENATE BILL NO. 2788
 A bill for AN ACT concerning local government.

SENATE BILL NO. 2820

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

SENATE BILL NO. 2824

A bill for AN ACT concerning local government.

SENATE BILL NO. 2825

A bill for AN ACT concerning criminal law.

Passed by the Senate, April 17, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILLS 2733, 2743, 2744, 2749, 2760, 2784, 2788, 2820, 2824 and 2825 were ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by

Ms. Shipley, Secretary:

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

SENATE BILL NO. 1865

A bill for AN ACT concerning civil law.

SENATE BILL NO. 1869

A bill for AN ACT concerning regulation.

SENATE BILL NO. 1879

A bill for AN ACT concerning regulation.

SENATE BILL NO. 1890

A bill for AN ACT concerning finance.

SENATE BILL NO. 1925

A bill for AN ACT concerning public aid.

SENATE BILL NO. 1926

A bill for AN ACT concerning regulation.

SENATE BILL NO. 1929

A bill for AN ACT concerning regulation.

SENATE BILL NO. 2855

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 2858

A bill for AN ACT concerning education.

SENATE BILL NO. 2859

A bill for AN ACT concerning revenue.

SENATE BILL NO. 2873

A bill for AN ACT concerning revenue.

SENATE BILL NO. 2874

A bill for AN ACT concerning revenue.

SENATE BILL NO. 2882

A bill for AN ACT concerning revenue.

SENATE BILL NO. 2883

A bill for AN ACT concerning State government.

SENATE BILL NO. 2887

A bill for AN ACT concerning finance.

Passed by the Senate, April 17, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILLS 1865, 1869, 1879, 1890, 1925, 1926, 1929, 2855, 2858, 2859, 2873, 2874, 2882, 2883 and 2887 were ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 801

A bill for AN ACT concerning revenue.

SENATE BILL NO. 2400

A bill for AN ACT concerning health.

Passed by the Senate, April 16, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILLS 801 and 2400 were ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 1933

A bill for AN ACT in relation to public aid.

SENATE BILL NO. 1956

A bill for AN ACT concerning education.

SENATE BILL NO. 1965

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 1993

A bill for AN ACT concerning business.

SENATE BILL NO. 1998

A bill for AN ACT concerning regulation.

SENATE BILL NO. 2042

A bill for AN ACT concerning education.

SENATE BILL NO. 2051

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 2079

A bill for AN ACT concerning civil law.

SENATE BILL NO. 2083

A bill for AN ACT concerning finance.

SENATE BILL NO. 2091

A bill for AN ACT concerning education.

SENATE BILL NO. 2128

A bill for AN ACT concerning property.

SENATE BILL NO. 2142

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 2163

A bill for AN ACT concerning regulation.

Passed by the Senate, April 17, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILLS 1933, 1956, 1965, 1993, 1998, 2042, 2051, 2079, 2083, 2091, 2128, 2142 and 2163 were ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 2170
A bill for AN ACT concerning education.
SENATE BILL NO. 2173
A bill for AN ACT concerning insurance.
SENATE BILL NO. 2188
A bill for AN ACT concerning insurance.
SENATE BILL NO. 2207
A bill for AN ACT concerning civil law.
SENATE BILL NO. 2216
A bill for AN ACT concerning employment.
SENATE BILL NO. 2222
A bill for AN ACT concerning regulation.
SENATE BILL NO. 2287
A bill for AN ACT concerning civil law.
SENATE BILL NO. 2297
A bill for AN ACT concerning local government.
SENATE BILL NO. 2300
A bill for AN ACT concerning public aid.
SENATE BILL NO. 2321
A bill for AN ACT concerning local government.
SENATE BILL NO. 2342
A bill for AN ACT concerning revenue.
SENATE BILL NO. 2355
A bill for AN ACT concerning criminal law.
SENATE BILL NO. 2356
A bill for AN ACT concerning local government.
SENATE BILL NO. 2374
A bill for AN ACT concerning land.
SENATE BILL NO. 2402
A bill for AN ACT concerning education.
SENATE BILL NO. 2403
A bill for AN ACT concerning public aid.
SENATE BILL NO. 2426
A bill for AN ACT concerning criminal law, which may be referred to as the Cyberbullying Law.
SENATE BILL NO. 2476
A bill for AN ACT concerning State government.
SENATE BILL NO. 2479
A bill for AN ACT concerning public employee benefits.
Passed by the Senate, April 17, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILLS 2170, 2173, 2188, 2207, 2216, 2222, 2287, 2297, 2300, 2321, 2342, 2355, 2356, 2374, 2402, 2403, 2426, 2476 and 2479 were ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by
Ms. Shipley, Secretary:

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

SENATE BILL NO. 2481
A bill for AN ACT concerning education.

SENATE BILL NO. 2499
A bill for AN ACT concerning regulation.

SENATE BILL NO. 2505
A bill for AN ACT concerning State government.

SENATE BILL NO. 2506
A bill for AN ACT concerning regulation.

SENATE BILL NO. 2538
A bill for AN ACT concerning persons with disabilities.

SENATE BILL NO. 2552
A bill for AN ACT concerning State government.

SENATE BILL NO. 2584
A bill for AN ACT concerning revenue.

SENATE BILL NO. 2595
A bill for AN ACT concerning government.

SENATE BILL NO. 2596
A bill for AN ACT concerning transportation.

SENATE BILL NO. 2626
A bill for AN ACT concerning State government.

SENATE BILL NO. 2632
A bill for AN ACT concerning economic development.
Passed by the Senate, April 17, 2008.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILLS 2481, 2499, 2505, 2506, 2538, 2552, 2584, 2595, 2596, 2626 and 2632 were ordered reproduced and placed on the order of Senate Bills - First Reading.

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. 128
Concurred in the Senate, April 17, 2008.

Deborah Shipley, Secretary of the Senate

CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Watson was removed as principal sponsor, and Representative Hannig became the new principal sponsor of SENATE BILL 2296.

With the consent of the affected members, Representative Hannig was removed as principal sponsor, and Representative Watson became the new principal sponsor of SENATE BILL 2500.

With the consent of the affected members, Representative Froehlich was removed as principal sponsor, and Representative Fritchey became the new principal sponsor of SENATE BILL 2827.

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 1203

Offered by Representative Pihos:

Congratulates the staff and faculty of School District 45 in DuPage County for 125 years of continuous educational excellence.

HOUSE RESOLUTION 1204

Offered by Representative Hernandez:

Congratulates Carlos Tortolero, President of the National Museum of Mexican Art in Chicago, on being recognized by the Illinois Humanities Council.

HOUSE RESOLUTION 1205

Offered by Representative Black:

Congratulates Deanna Witzel on the occasion of being named as the Danville 2008 AMBUCS First Citizen.

HOUSE RESOLUTION 1206

Offered by Representatives Representative Mitchell, Jerry:

Honors John "J.R." Rohwer on the occasion of his outstanding career and for his contributions to Illinois broadcasting.

HOUSE RESOLUTION 1208

Offered by Representative Lyons:

Honors Robert E. Ryan Sr., Executive Director of the Plumbing Council of Chicagoland, on his retirement.

HOUSE RESOLUTION 1209

Offered by Representative Cross:

Congratulates Jeaness Medin of the Kendall County Food Pantry, on her retirement.

HOUSE RESOLUTION 1210

Offered by Representative Fortner:

Congratulates Thomas Trueblood on his retirement from International Truck and Engine Corporation.

HOUSE RESOLUTION 1212

Offered by Representative Black:

Congratulates the congregation of the Greater Shiloh Baptist Church in Danville on the occasion of the church's 100th anniversary.

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Currie, HOUSE BILL 2392 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 2)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Coulson, HOUSE BILL 5595 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 3)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Munson, HOUSE BILL 4220 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 4)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Howard, HOUSE BILL 5516 was taken up and read by title a third time. And the question being, "Shall this bill pass?"

Pending the vote on said bill, on motion of Representative Howard, further consideration of HOUSE BILL 5516 was postponed.

HOUSE BILL ON SECOND READING

HOUSE BILL 4900. 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 4900 on page 3, line 4, 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."; and

on page 6, line 14, 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."; and

on page 6, line 23, 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."

Representative Acevedo offered the following amendment and moved its adoption:

AMENDMENT NO. 3. Amend House Bill 4900, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-20.21 as follows:

(105 ILCS 5/10-20.21) (from Ch. 122, par. 10-20.21)

Sec. 10-20.21. Contracts.

(a) To award all contracts for purchase of supplies, materials or work or contracts with private carriers for transportation of pupils involving an expenditure in excess of \$10,000 to the lowest responsible bidder, considering conformity with specifications, terms of delivery, quality and serviceability, after due advertisement, except the following: (i) contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part; (ii) contracts for the printing of finance committee reports and departmental reports; (iii) contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness; (iv) contracts for the purchase of perishable foods and perishable beverages; (v) contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price; (vi) contracts for the maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent; (vii) purchases and contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and

services; (viii) contracts for duplicating machines and supplies; (ix) contracts for the purchase of natural gas when the cost is less than that offered by a public utility; (x) purchases of equipment previously owned by some entity other than the district itself; (xi) contracts for repair, maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to exceed \$20,000 and not involving a change or increase in the size, type, or extent of an existing facility; (xii) contracts for goods or services procured from another governmental agency; (xiii) contracts for goods or services which are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone or telegraph; (xiv) where funds are expended in an emergency and such emergency expenditure is approved by 3/4 of the members of the board; ~~and~~ (xv) State master contracts authorized under Article 28A of this Code and (xvi) contracts providing for the transportation of pupils with special needs or disabilities, which contracts must be advertised in the same manner as competitive bids and awarded by first considering the bidder or bidders most able to provide safety and comfort for the pupils with special needs or disabilities, stability of service, and any other factors set forth in the request for proposal regarding quality of service, and then price.

All competitive bids for contracts involving an expenditure in excess of \$10,000 must be sealed by the bidder and must be opened by a member or employee of the school board at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days' notice of the time and place of the bid opening. For purposes of this Section due advertisement includes, but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district, or if no newspaper is published in the district, in a newspaper of general circulation in the area of the district. State master contracts and certified education purchasing contracts, as defined in Article 28A of this Code, are not subject to the requirements of this paragraph.

(b) To require, as a condition of any contract for goods and services, that persons bidding for and awarded a contract and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (b), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (b), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

To require that bids and contracts include a certification by the bidder or contractor that the bidder or contractor is not barred from bidding for or entering into a contract under this Section and that the bidder or contractor acknowledges that the school board may declare the contract void if the certification completed pursuant to this subsection (b) is false.

(b-5) To require all contracts and agreements that pertain to goods and services and that are intended to generate additional revenue and other remunerations for the school district in excess of \$1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, to be approved by the school board. The school board shall file as an attachment to its annual budget a report, in a form as determined by the State Board of Education, indicating for the prior year the name of the vendor, the product or service provided, and the actual net revenue and non-monetary remuneration from each of the contracts or agreements. In addition, the report shall indicate for what purpose the revenue was used and how and to whom the non-monetary remuneration was distributed.

(c) If the State education purchasing entity creates a master contract as defined in Article 28A of this Code, then the State education purchasing entity shall notify school districts of the existence of the master contract.

(d) In purchasing supplies, materials, equipment, or services that are not subject to subsection (c) of this Section, before a school district solicits bids or awards a contract, the district may review and consider as a bid under subsection (a) of this Section certified education purchasing contracts that are already available through the State education purchasing entity.

(Source: P.A. 93-25, eff. 6-20-03; 93-1036, eff. 9-14-04; 94-714, eff. 7-1-06.)"

The foregoing motion prevailed and Amendment No. 3 was adopted.

There being no further amendments, the foregoing Amendments numbered 1 and 3 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative John Bradley, HOUSE BILL 5580 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:
114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 5)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

RECESS

At the hour of 10:33 o'clock a.m., Representative Madigan moved that the House do now take a recess until the call of the Chair.

The motion prevailed.

At the hour of 11:17 o'clock a.m., the House resumed its session.

Representative Hannig in the Chair.

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Brosnahan, HOUSE BILL 5059 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:
114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 6)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Osmond, HOUSE BILL 5932 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:
114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 7)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

RECALL

At the request of the principal sponsor, Representative Wait, HOUSE BILL 5946 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Soto, HOUSE BILL 5359 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 8)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Ryg, HOUSE BILL 4862 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 9)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Yarbrough, HOUSE BILL 5238 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 78, Yeas; 35, Nays; 1, Answering Present.

(ROLL CALL 10)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

SUSPEND POSTING REQUIREMENTS

Pursuant to the motion submitted previously, Representative Black moved to suspend the posting requirements in Rule 21 in relation to House Joint Resolution Constitutional Amendment 45.

Representative Currie objected and stated that the motion is untimely.

The Chair ruled that the motion was premature and out of order.

Representative Black moved to overrule the chair.

The question is shall the chair be sustained.

And on that motion, a vote was taken resulting as follows:

64, Yeas; 50, Nays; 0, Answering Present.

(ROLL CALL 11)

The motion prevailed.

RECALL

At the request of the principal sponsor, Representative Tracy, HOUSE BILL 5901 was recalled from the order of Third Reading to the order of Second Reading.

HOUSE BILL ON SECOND READING

HOUSE BILL 5901. Having been recalled on April 17, 2008, to the order of Second Reading, the same was again taken up.

Representative Tracy offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 5901 by replacing everything after the enacting clause with the following:

"Section 5. The Methamphetamine Precursor Control Act is amended by changing Sections 10, 25, 40, 45, and 55 and by adding Sections 39.6, 39.7, 39.8, 39.9, and 39.9-5 as follows:

(720 ILCS 648/10)

(Text of Section after amendment by P.A. 95-640)

Sec. 10. Definitions. In this Act:

"Administer" or "administration" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Agent" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Authorized representative" means an employee or agent of a qualified outside entity who has been authorized in writing by his or her agency or office to receive confidential information from the database associated with the Williamson County Pilot Program or the Illinois State Police Precursor Tracking Program.

"Central Repository" means the entity chosen by the Williamson County Pilot Program Authority to handle electronic transaction records as described in Sections 36, 37, 38, 39, and 39.5 of this Act or the entity chosen by the Illinois State Police Precursor Tracking Program to handle electronic transaction records as described in Sections 39.6, 39.7, 39.8, 39.9, and 39.9-5.

"Convenience package" means any package that contains 360 milligrams or less of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in liquid or liquid-filled capsule form.

"Covered pharmacy under the Franklin, Jackson, Johnson, Saline, Union, or Williamson County Program" or "covered pharmacy" means any pharmacy that distributes any amount of targeted methamphetamine precursor and that is physically located in any of the following Illinois counties: Franklin, Jackson, Johnson, Saline, Union, or Williamson.

"Covered pharmacy under the Illinois State Police Precursor Tracking Program" or "covered pharmacy" means any pharmacy that distributes any amount of targeted methamphetamine precursor and that is physically located in any of the following Illinois counties: Adams, Madison, or Vermilion.

"Deliver" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Dispense" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Distribute" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Electronic transaction record" means, with respect to the distribution of a targeted methamphetamine precursor by a pharmacy to a recipient under Section 25 of this Act, an electronic record that includes: the name and address of the recipient; date and time of the transaction; brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers; identification type and identification number of the identification presented by the recipient; and the name and address of the pharmacy.

"Identification information" means identification type and identification number.

"Identification number" means the number that appears on the identification furnished by the recipient of a targeted methamphetamine precursor.

"Identification type" means the type of identification furnished by the recipient of a targeted methamphetamine precursor such as, by way of example only, an Illinois driver's license or United States passport.

"Illinois State Police Precursor Tracking Program" or "Pilot Program Authority" means the program described in Sections 39.6, 39.7, 39.8, 39.9, and 39.9-5 of this Act.

"List I chemical" has the meaning provided in 21 U.S.C. Section 802.

"Methamphetamine precursor" has the meaning provided in Section 10 of the Methamphetamine Control and Community Protection Act.

"Methamphetamine Precursor Violation Alert" means a notice sent by the Pilot Program Authority to pharmacies, retail distributors, or law enforcement authorities as described in subsection (h) of Section 39.5

of this Act.

"Non-covered pharmacy" means any pharmacy that is not a covered pharmacy.

"Package" means an item packaged and marked for retail sale that is not designed to be further broken down or subdivided for the purpose of retail sale.

"Pharmacist" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Pharmacy" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Practitioner" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Prescriber" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Prescription" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Qualified outside entity" means a law enforcement agency or prosecutor's office with authority to identify, investigate, or prosecute violations of this Act or any other State or federal law or rule involving a methamphetamine precursor, methamphetamine, or any other controlled substance, or a public entity that operates a methamphetamine precursor tracking program similar in purpose to the Williamson County Pilot Program or the Illinois State Police Precursor Tracking Program.

"Readily retrievable" has the meaning provided in 21 C.F.R. part 1300.

"Recipient" means a person purchasing, receiving, or otherwise acquiring a targeted methamphetamine precursor from a pharmacy in Illinois, as described in Section 25 of this Act.

"Reporting start date" means the date on which covered pharmacies begin transmitting electronic transaction records and exempt pharmacies begin sending handwritten logs, as described in subsection (b) of Section 39 of this Act.

"Retail distributor" means a grocery store, general merchandise store, drug store, other merchandise store, or other entity or person whose activities as a distributor relating to drug products containing targeted methamphetamine precursor are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

"Sales employee" means any employee or agent, other than a pharmacist or pharmacy technician who at any time (a) operates a cash register at which convenience packages may be sold, (b) stocks shelves containing convenience packages, or (c) trains or supervises any other employee or agent who engages in any of the preceding activities.

"Single retail transaction" means a sale by a retail distributor to a recipient ~~specific customer~~ at a specific time.

"Targeted methamphetamine precursor" means any compound, mixture, or preparation that contains any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

"Targeted package" means a package, including a convenience package, containing any amount of targeted methamphetamine precursor.

"Ultimate user" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Williamson County Pilot Program" or "Pilot Program" means the program described in Sections 36, 37, 38, 39, and 39.5 of this Act.

"Williamson County Pilot Program Authority" or "Pilot Program Authority" means the Williamson County Sheriff's Office or its employees or agents.

"Voluntary participant" means any pharmacy that, although not required by law to do so, participates in the Williamson County Pilot Program.

(Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06; 95-640, eff. 6-1-08.)

(720 ILCS 648/25)

(Text of Section after amendment by P.A. 95-640)

Sec. 25. Pharmacies.

(a) No targeted methamphetamine precursor may be knowingly distributed through a pharmacy, including a pharmacy located within, owned by, operated by, or associated with a retail distributor unless all terms of this Section are satisfied.

(b) Any targeted methamphetamine precursor other than a convenience package or a liquid, including but not limited to any targeted methamphetamine precursor in liquid-filled capsules, shall: be packaged in blister packs, with each blister containing not more than 2 dosage units, or when the use of blister packs is technically infeasible, in unit dose packets. Each targeted package shall contain no more than 3,000 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(c) The targeted methamphetamine precursor shall be stored behind the pharmacy counter and distributed by a pharmacist or pharmacy technician licensed under the Pharmacy Practice Act.

(d) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall ensure that any person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor complies with subsection (a) of Section 20 of this Act.

(e) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall verify that:

(1) The person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor is 18 years of age or older and resembles the photograph of the person on the government-issued identification presented by the person; and

(2) The name entered into the log referred to in subsection (a) of Section 20 of this Act corresponds to the name on the government-issued identification presented by the person.

(f) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 2 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs may be kept in an electronic format if they include all the information specified in subsection (a) of Section 20 of this Act in a manner that is readily retrievable and reproducible in hard-copy format. Pharmacies covered by the Williamson County Pilot Program described in Sections 36, 37, 38, 39, and 39.5 of this Act and pharmacies covered by the Illinois State Police Precursor Tracking Program described in Sections 39.6, 39.7, 39.8, 39.9, and 39.9-5 of this Act are required to transmit electronic transaction records or handwritten logs to the Pilot Program Authority in the manner described in those Sections.

(g) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute any targeted methamphetamine precursor to any person under 18 years of age.

(h) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person more than 2 targeted packages in a single retail transaction.

(i) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person in any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(j) A pharmacist or pharmacy technician may distribute a targeted methamphetamine precursor to a person who is without a form of identification specified in paragraph (1) of subsection (a) of Section 20 of this Act only if all other provisions of this Act are followed and either:

(1) the person presents a driver's license issued without a photograph by the State of Illinois pursuant to the Illinois Administrative Code, Title 92, Section 1030.90(b)(1) or 1030.90(b)(2); or

(2) the person is known to the pharmacist or pharmacy technician, the person presents some form of identification, and the pharmacist or pharmacy technician reasonably believes that the targeted methamphetamine precursor will be used for a legitimate medical purpose and not to manufacture methamphetamine.

(k) When a pharmacist or pharmacy technician distributes a targeted methamphetamine precursor to a person according to the procedures set forth in this Act, and the pharmacist or pharmacy technician does not have access to a working cash register at the pharmacy counter, the pharmacist or pharmacy technician may instruct the person to pay for the targeted methamphetamine precursor at a cash register located elsewhere in the retail establishment, whether that register is operated by a pharmacist, pharmacy technician, or other employee or agent of the retail establishment.

(Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06; 95-640, eff. 6-1-08; 95-689, eff. 10-29-07; revised 11-19-07.)

(720 ILCS 648/39.6 new)

Sec. 39.6. Illinois State Police Precursor Tracking Program: general provisions.

(a) Purposes. The purposes of this Section are: to establish a pilot program based in Adams, Madison, and Vermilion Counties to track purchases of targeted methamphetamine precursors at multiple locations; to identify persons obtaining or distributing targeted methamphetamine precursors for the likely purpose of manufacturing methamphetamine; to starve methamphetamine manufacturers of the methamphetamine precursors they need to make methamphetamine; to locate and shut down methamphetamine laboratories; and ultimately to reduce the harm that methamphetamine manufacturing and manufacturers are inflicting on individuals, families, communities, first responders, the economy, and the environment in Illinois and beyond. In authorizing this pilot program, the General Assembly recognizes that, although this Act has significantly reduced the number of methamphetamine laboratories in Illinois, some persons continue to violate the Act, evade detection, and support the manufacture of methamphetamine by obtaining targeted methamphetamine precursor at multiple locations. The General Assembly further recognizes that putting an

end to this practice and others like it will require an effort to track purchases of targeted methamphetamine precursor across multiple locations, and that a pilot program coordinated by the Illinois State Police in Adams, Madison, and Vermilion Counties will advance this important goal.

(b) Structure.

(1) There is established a pilot program coordinated by the Illinois State Police in Adams, Madison, and Vermilion Counties, known as the Illinois State Police Precursor Tracking Program or Pilot Program, to track purchases of targeted methamphetamine precursor across multiple locations for the purposes stated in subsection (a) of this Section.

(2) The Pilot Program known as the Illinois State Police Precursor Tracking Program or the Pilot Program Authority shall be operated by the Illinois State Police in accordance with the provisions of Sections 39.6, 39.7, 39.8, 39.9, and 39.9-5 of this Act.

(3) The Pilot Program Authority shall designate a Central Repository for the collection of required information, and the Central Repository shall operate according to the provisions of Sections 39.6, 39.7, 39.8, 39.9, and 39.9-5 of this Act.

(4) Every covered pharmacy shall participate in the Pilot Program, and any non-covered pharmacy may participate on a voluntary basis and be known as a voluntary participant.

(c) Transmission of electronic transaction records. Except as provided in Section 39.9:

(1) Each time a covered pharmacy distributes a targeted methamphetamine precursor to a recipient under Section 25 of this Act, the covered pharmacy shall transmit an electronic transaction record to the Central Repository.

(2) Each covered pharmacy shall elect to transmit electronic transaction records either through the secure website described in Section 39.7 of this Act or through weekly electronic transfers as described in Section 39.8 of this Act.

(d) Operation and Timeline for implementation.

(1) Except as stated in this subsection, this amendatory Act of the 95th General Assembly shall be operational upon the effective date of this amendatory Act.

(2) Covered pharmacies are not required to transmit any electronic transaction records and exempt pharmacies are not required to send any handwritten logs to the Central Repository until the reporting start date set by the Pilot Program Authority.

(3) The Pilot Program Authority shall announce the "reporting start date" within 90 days after the date this legislation becomes law.

(4) The reporting start date shall be no sooner than 90 days after the date on which the Pilot Program Authority announces the reporting start date.

(5) Starting on the reporting start date, and continuing for a period of one year thereafter, covered pharmacies shall transmit electronic transaction records as described in Sections 39.7 and 39.8 of this Act, and exempt pharmacies shall send handwritten logs as described in Section 39.9 of this Act.

(6) Nothing in this Act shall preclude covered pharmacies and exempt pharmacies from voluntarily participating in the Pilot Program before the start date or continuing to participate in the Pilot Program after one year after the reporting start date.

(e) Funding. Funding for the Pilot Program shall be provided by the Illinois State Police, drawing upon federal grant money and other available sources. If funding is delayed, curtailed, or otherwise unavailable, the Pilot Program Authority may delay implementation of the Pilot Program, reduce the number of counties covered by the Pilot Program, or end the Pilot Program early. If any such change becomes necessary, the Illinois State Police shall inform every covered pharmacy in writing.

(f) Training. The Illinois State Police shall provide, free of charge, training and assistance to any pharmacy playing any role in the Pilot Program.

(g) Relationship between the Illinois State Police Precursor Tracking Program and other laws and rules. Nothing in Sections 39.6, 39.7, 39.8, 39.9, and 39.9-5 of this Act shall supersede, nullify, or diminish the force of any requirement stated in any other Section of this Act or in any other State or federal law or rule.

(h) Duration and report to the Governor and General Assembly. The duration of the Illinois State Police Precursor Tracking Program shall be 2 years. The Illinois State Police shall prior to the end of this 2-year period report to the Governor and General Assembly on the implementation and efficacy of the Pilot Program and may recommend to them the continuation, modification, or termination of the Program.

(720 ILCS 648/39.7 new)

Sec. 39.7. Illinois State Police Precursor Tracking Program; secure website.

(a) Transmission of electronic transaction records through a secure website; in general.

(1) The Illinois State Police shall establish a secure website for the transmission of electronic

transaction records and electronic signatures and make it available free of charge to any covered pharmacy that elects to use it.

(2) The secure website shall enable any covered pharmacy to transmit to the Central Repository an electronic transaction record and an electronic signature each time the pharmacy distributes a targeted methamphetamine precursor to a recipient under Section 25 of this Act.

(3) If the secure website becomes unavailable to a covered pharmacy, the covered pharmacy may, during the period in which the secure website is not available, continue to distribute targeted methamphetamine precursor without using the secure website if, during this period, the covered pharmacy maintains and transmits handwritten logs as described in subsection (b) of Section 39.9 of this Act.

(b) Assistance to covered pharmacies using the secure website.

(1) The purpose of this subsection is to ensure that participation in the Pilot Program does not impose substantial costs on covered pharmacies that elect to transmit electronic transaction records to the Central Repository by means of the secure website.

(2) If a covered pharmacy that elects to transmit electronic transaction records by means of the secure website does not have computer hardware or software or related equipment sufficient to make use of the secure website, then the covered pharmacy may obtain and install such hardware or software or related equipment at its own cost, or it may request assistance from the Illinois State Police, or some combination of the two.

(3) If a covered pharmacy requests such assistance, then the Illinois State Police shall, free of charge, provide and install any computer hardware or software or related equipment needed.

(4) Nothing in this subsection shall preclude the Illinois State Police from providing additional or other assistance to any pharmacy or retail distributor.

(c) Any covered pharmacy that elects to transmit electronic transaction records by means of the secure website described in this Section may use the secure website as its exclusive means of complying with subsections (d) and (f) of Section 25 of this Act, provided that, along with each electronic transaction record, the pharmacy also transmits an electronically-captured signature of the recipient of the targeted methamphetamine precursor. To facilitate this option, the Pilot Program shall do the following:

(1) The Illinois State Police shall provide to any covered pharmacy that requests it an electronic signature pad or other means of electronic signature capture.

(2) The Illinois State Police shall provide the covered pharmacy with an official letter indicating that:

(A) The covered pharmacy in question is participating in the Illinois State Police Precursor Tracking Program for a specified period of time.

(B) During the specified period of time, the Illinois State Police has assumed responsibility for maintaining the logs described in subsection (f) of Section 25 of this Act.

(C) Any law enforcement officer seeking to inspect or copy the covered pharmacy's logs should direct the request to the Illinois State Police through means described in the letter.

(720 ILCS 648/39.8 new)

Sec. 39.8. Illinois State Police Precursor Tracking Program; weekly electronic transfer.

(a) Weekly electronic transfer; in general.

(1) Any covered pharmacy may elect not to use the secure website but instead to transmit electronic transaction records by means of weekly electronic transfers as described in this Section.

(2) Any covered pharmacy electing to transmit electronic transaction records by means of weekly electronic transfers shall transmit the records by means of a computer diskette, a magnetic tape, or an electronic device compatible with the receiving device of the Central Repository.

(b) Weekly electronic transfer; timing.

(1) Any covered pharmacy electing to transmit electronic transaction records by means of weekly electronic transfers shall select a standard weeklong reporting period such as, by way of example only, the 7-day period that begins immediately after midnight Monday morning and lasts until immediately before midnight the next Sunday night.

(2) Electronic transaction records for transactions occurring during the standard weeklong reporting period selected by the pharmacy shall be transmitted to the Central Repository no later than 24 hours after each standard weeklong reporting period ends.

(3) Electronic transaction records may be delivered to the Central Repository in person, by messenger, through the United States Postal Service, over the Internet, or by other reasonably reliable and prompt means.

(4) Although electronic transaction records shall be transmitted to the Central Repository no later than one day after the end of a weeklong reporting period, it is not required that the electronic transaction

records be received by that deadline.

(c) Weekly electronic transfer; form of data. Each electronic transaction record transmitted shall contain the following information in the form described:

(1) The recipient's (A) first name, (B) last name, (C) street address, and (D) zip code, in the 4 separate data fields listed (A) through (D).

(2) The (A) date, (B) time of the transaction, and (C) recipient signature, in the 3 separate data fields listed (A), (B), and (C).

(3) One of the following:

(A) The (1) brand and product name and (2) total quantity in milligrams distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers, in the 2 separate data fields listed (1) and (2);

(B) The National Drug Code (NDC) number corresponding to the product distributed, from which may be determined the brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers; or

(C) A company-specific code, akin to the National Drug Code, from which may be determined the brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, along with information sufficient to translate any company-specific codes into the brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers.

(4) One of the following:

(A) The identification type presented by the recipient; or

(B) A code for the identification type presented by the recipient, along with information sufficient to translate any such code into the actual identification type presented by the recipient.

(5) The identification number presented by the recipient.

(6) One of the following:

(A) The (1) name, (2) street address, and (3) zip code of the covered pharmacy, in 3 separate data fields (1) through (3);

(B) The Drug Enforcement Administration (DEA) number of the individual covered pharmacy, from which may be determined the name, street address, and zip code of the covered pharmacy; or

(C) A company-specific code, akin to the Drug Enforcement Administration number, from which may be determined the name, street address, and zip code of the covered pharmacy, along with information sufficient to translate any company-specific codes into the name, street address, and zip code of the covered pharmacy.

(720 ILCS 648/39.9 new)

Sec. 39.9. Illinois State Police Precursor Tracking Program; exempt pharmacies.

(a) When a covered pharmacy is exempt. A covered pharmacy is exempt from the requirement that it transmit electronic transaction records to the Central Repository through the secure website described in Section 39.7 or weekly electronic transfers described in Section 39.8 of this Act if all of the following conditions are satisfied:

(1) The covered pharmacy:

(A) Submits to the Pilot Program Authority a written request for such an exemption;

(B) Has complied with Section 25 of this Act by maintaining handwritten rather than electronic logs during the 60-day period preceding the date the written request is transmitted;

(C) Has not sold more than 20 targeted packages in any 7-day period during the 60-day period preceding the date the written request is transmitted; and

(D) Provides, along with the written request, copies of handwritten logs covering the 60-day period preceding the written request; and

(2) The Pilot Program Authority:

(A) Reviews the written request;

(B) Verifies that the covered pharmacy has complied with Section 25 of this Act by maintaining handwritten rather than electronic logs during the 60-day period preceding the date the written request is transmitted;

(C) Verifies that the covered pharmacy has not sold more than 20 targeted packages in any 7-day period during the 60-day period preceding the date the written request is transmitted; and

(D) Sends the covered pharmacy a letter stating that the covered pharmacy is exempt from the requirement that it transmit electronic transaction records to the Central Repository.

(b) Obligations of an exempt pharmacy.

(1) A pharmacy that is exempt from the requirement that it transmit electronic transaction records to the Central Repository shall instead transmit copies, and retain the originals, of handwritten logs.

(2) An exempt covered pharmacy shall transmit copies of handwritten logs to the Central Repository in person, by facsimile, through the United States Postal Service, or by other reasonably reliable and prompt means.

(3) An exempt covered pharmacy shall transmit copies of handwritten logs on a weekly basis as described in subsection (b) of Section 39.8 of this Act.

(720 ILCS 648/39.9-5 new)

Sec. 39.9-5. Illinois State Police Precursor Tracking Program; confidentiality of records.

(a) The Central Repository shall delete each electronic transaction record and handwritten log entry 24 months after the date of the transaction it describes.

(b) The Illinois State Police and Central Repository shall carry out a program to protect the confidentiality of electronic transaction records and handwritten log entries transmitted pursuant to Sections 39.6, 39.7, 39.8, and 39.9 of this Act. The Pilot Program Authority and Central Repository shall ensure that this information remains completely confidential except as specifically provided in subsections (c) through (i) of this Section. Except as provided in subsections (c) through (i) of this Section, this information is strictly prohibited from disclosure.

(c) Any employee or agent of the Central Repository may have access to electronic transaction records and handwritten log entries solely for the purpose of receiving, processing, storing or analyzing this information.

(d) Any employee or agent of the Illinois State Police may have access to electronic transaction records or handwritten log entries solely for the purpose of identifying, investigating, or prosecuting violations of this Act or any other State or federal law or rule involving a methamphetamine precursor, methamphetamine, or any other controlled substance.

(e) The Illinois State Police may release electronic transaction records or handwritten log entries to the authorized representative of a qualified outside entity only if all of the following conditions are satisfied:

(1) The Illinois State Police verifies that the entity receiving electronic transaction records or handwritten log entries is a qualified outside entity as defined in this Act.

(2) The Illinois State Police verifies that the person receiving electronic transaction records or handwritten log entries is an authorized representative, as defined in this Act, of the qualified outside entity.

(3) The qualified outside entity agrees in writing, or has previously agreed in writing, that it will use electronic transaction records and handwritten log entries solely for the purpose of identifying, investigating, or prosecuting violations of this Act or any other State or federal law or rule involving a methamphetamine precursor, methamphetamine, or any other controlled substance.

(4) The qualified outside entity does not have a history known to the Illinois State Police of violating this agreement or similar agreements or of breaching the confidentiality of sensitive information.

(f) The Illinois State Police may release to a particular covered pharmacy or voluntary participant any electronic transaction records or handwritten log entries previously submitted by that particular covered pharmacy or voluntary participant.

(g) The Illinois State Police may release to a particular recipient any electronic transaction records clearly relating to that recipient, upon sufficient proof of identity.

(h) The Illinois State Police may distribute Methamphetamine Precursor Violation Alerts only if all of the following conditions are satisfied:

(1) The Illinois State Police has reason to believe that one or more recipients have violated or are violating this Act or any other State or federal law or rule involving a methamphetamine precursor, methamphetamine, or any other controlled substance.

(2) Based on this information, the Illinois State Police distributes a Methamphetamine Precursor Violation Alert that may contain any of the following confidential information:

(A) With respect to any recipient whom it is believed has violated, has attempted to violate, or is violating this Act or any other State or federal law or rule involving a methamphetamine precursor, methamphetamine, or any other controlled substance: (i) Any name he or she has used to purchase or attempt to purchase methamphetamine precursor; (ii) Any address he or she has listed when purchasing or attempting to purchase any targeted methamphetamine precursor; and (iii) Any identification information he or she has used to purchase or attempt to purchase methamphetamine precursor.

(B) With respect to any transaction in which the recipient is believed to have purchased methamphetamine precursor: (i) The date and time of the transaction or attempt; (ii) The city or town and state in which the transaction or attempt occurred; and (iii) The total quantity received of ephedrine or

pseudoephedrine, their salts, or optical isomers, or salts of optical isomers.

(3) Methamphetamine Precursor Violation Alerts shall not include, with respect of any transaction in which the recipient is believed to have purchased or attempted to purchase methamphetamine precursor:

(A) The name or street address of the pharmacy where the transaction or attempt took place, other than the city or town and state where the pharmacy is located; or

(B) The brand and product name of the item received.

(4) Methamphetamine Precursor Violation Alerts may be distributed to pharmacies, retail distributors, and law enforcement agencies. When such alerts are distributed to law enforcement agencies, it shall not be necessary to follow the procedures described in subsection (d) of this Section.

(5) When distributing Methamphetamine Precursor Violation Alerts, the Pilot Program Authority shall instruct those receiving the alerts that they are intended only for pharmacies, retail distributors, and law enforcement authorities, and that such alerts should otherwise be kept confidential.

(i) The Illinois State Police may release general statistical information to any person or entity provided that the statistics do not include any information that identifies any individual recipient or pharmacy by name, address, identification number, Drug Enforcement Administration number, or other means.

(720 ILCS 648/40)

(Text of Section after amendment by P.A. 95-640)

Sec. 40. Penalties.

(a) Violations of subsection (b) of Section 20 of this Act.

(1) Any person who knowingly purchases, receives, or otherwise acquires, within any 30-day period, products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in violation of subsection (b) of Section 20 of this Act is subject to the following penalties:

(A) More than 7,500 milligrams but less than 15,000 milligrams, Class B misdemeanor;

(B) 15,000 or more but less than 22,500 milligrams, Class A misdemeanor;

(C) 22,500 or more but less than 30,000 milligrams, Class 4 felony;

(D) 30,000 or more but less than 37,500 milligrams, Class 3 felony;

(E) 37,500 or more but less than 45,000 milligrams, Class 2 felony;

(F) 45,000 or more milligrams, Class 1 felony.

(2) Any person who knowingly purchases, receives, or otherwise acquires, within any 30-day period, products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in violation of subsection (b) of Section 20 of this Act, and who has previously been convicted of any methamphetamine-related offense under any State or federal law, is subject to the following penalties:

(A) More than 7,500 milligrams but less than 15,000 milligrams, Class A misdemeanor;

(B) 15,000 or more but less than 22,500 milligrams, Class 4 felony;

(C) 22,500 or more but less than 30,000 milligrams, Class 3 felony;

(D) 30,000 or more but less than 37,500 milligrams, Class 2 felony;

(E) 37,500 or more milligrams, Class 1 felony.

(3) Any person who knowingly purchases, receives, or otherwise acquires, within any 30-day period, products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in violation of subsection (b) of Section 20 of this Act, and who has previously been convicted 2 or more times of any methamphetamine-related offense under State or federal law, is subject to the following penalties:

(A) More than 7,500 milligrams but less than 15,000 milligrams, Class 4 felony;

(B) 15,000 or more but less than 22,500 milligrams, Class 3 felony;

(C) 22,500 or more but less than 30,000 milligrams, Class 2 felony;

(D) 30,000 or more milligrams, Class 1 felony.

(b) Violations of Section 15, 20, 25, 30, or 35 of this Act, other than violations of subsection (b) of Section 20 of this Act.

(1) Any pharmacy or retail distributor that violates Section 15, 20, 25, 30, or 35 of this Act, other than subsection (b) of Section 20 of this Act, is guilty of a petty offense and subject to a fine of \$500 for a first offense; and \$1,000 for a second offense occurring at the same retail location as and within 3 years of the prior offense. A pharmacy or retail distributor that violates this Act is guilty of a business offense and subject to a fine of \$5,000 for a third or subsequent offense occurring at the same retail location as and within 3 years of the prior offenses.

(2) An employee or agent of a pharmacy or retail distributor who violates Section 15,

20, 25, 30, or 35 of this Act, other than subsection (b) of Section 20 of this Act, is guilty of a Class A misdemeanor for a first offense, a Class 4 felony for a second offense, and a Class 1 felony for a third or subsequent offense.

(3) Any other person who violates Section 15, 20, 25, 30, or 35 of this Act, other than subsection (b) of Section 20 of this Act, is guilty of a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class 4 felony for a third or subsequent offense.

(c) Any pharmacy or retail distributor that violates Section 36, 37, 38, 39, ~~or 39.5~~, 39.6, 39.7, 39.8, 39.9, or 39.9-5 of this Act is guilty of a petty offense and subject to a fine of \$100 for a first offense, \$250 for a second offense, or \$500 for a third or subsequent offense.

(d) Any person that violates Section 39.5 or 39.9-5 of this Act is guilty of a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class 4 felony for a third offense.

(e) ~~(d)~~ Any person who, in order to acquire a targeted methamphetamine precursor, knowingly uses or provides the driver's license or government-issued identification of another person, or who knowingly uses or provides a fictitious or unlawfully altered driver's license or government-issued identification, or who otherwise knowingly provides false information, is guilty of a Class 4 felony for a first offense, a Class 3 felony for a second offense, and a Class 2 felony for a third or subsequent offense.

For purposes of this subsection (e) ~~(d)~~, the terms "fictitious driver's license", "unlawfully altered driver's license", and "false information" have the meanings ascribed to them in Section 6-301.1 of the Illinois Vehicle Code.

(Source: P.A. 94-694, eff. 1-15-06; 95-252, eff. 1-1-08; 95-640, eff. 6-1-08; revised 12-12-07.)

(720 ILCS 648/45)

(Text of Section after amendment by P.A. 95-640)

Sec. 45. Immunity from civil liability. In the event that any agent or employee of a pharmacy or retail distributor reports to any law enforcement officer or agency any suspicious activity concerning a targeted methamphetamine precursor or other methamphetamine ingredient or ingredients, or participates in the Williamson County Pilot Program as provided in Sections 36, 37, 38, 39, and 39.5 of this Act or the Illinois State Police Precursor Tracking Program as provided in Sections 39.6, 39.7, 39.8, 39.9, or 39.9-5 of this Act, the agent or employee and the pharmacy or retail distributor itself are immune from civil liability based on allegations of defamation, libel, slander, false arrest, or malicious prosecution, or similar allegations, except in cases of willful or wanton misconduct.

(Source: P.A. 94-694, eff. 1-15-06; 95-640, eff. 6-1-08.)

(720 ILCS 648/55)

(Text of Section after amendment by P.A. 95-640)

Sec. 55. Preemption and home rule powers.

(a) Except as provided in subsection (b) of this Section and in Sections 36, 37, 38, 39, ~~and 39.5~~, 39.6, 39.7, 39.8, 39.9, and 39.9-5 of this Act, a county or municipality, including a home rule unit, may regulate the sale of targeted methamphetamine precursor and targeted packages in a manner that is not more or less restrictive than the regulation by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.

(b) Any regulation of the sale of targeted methamphetamine precursor and targeted packages by a home rule unit that took effect on or before May 1, 2004, is exempt from the provisions of subsection (a) of this Section.

(Source: P.A. 94-694, eff. 1-15-06; 95-640, eff. 6-1-08.)

Section 99. Effective date. This Act takes effect 90 days after becoming law."

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

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

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative William Davis, HOUSE BILL 5116 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 12)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Bassi, HOUSE BILL 3038 was taken up and read by title a third time.

The Chair placed this bill on standard debate.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 13)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Jakobsson, HOUSE BILL 4147 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 14)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Verschoore, HOUSE BILL 5196 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 62, Yeas; 50, Nays; 1, Answering Present.

(ROLL CALL 15)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

HOUSE BILL ON THIRD READING CONSIDERATION POSTPONED

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

HOUSE BILL 4943. Having been read by title a third time on April 16, 2008, and further consideration postponed, the same was again taken up.

Representative Mendoza moved the passage of HOUSE BILL 4943.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 78, Yeas; 35, Nays; 0, Answering Present.

(ROLL CALL 16)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Osterman, HOUSE BILL 5790 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 106, Yeas; 8, Nays; 0, Answering Present.

(ROLL CALL 17)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Jefferson, HOUSE BILL 5611 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 74, Yeas; 39, Nays; 1, Answering Present.

(ROLL CALL 18)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Smith, HOUSE BILL 4675 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 92, Yeas; 21, Nays; 1, Answering Present.

(ROLL CALL 19)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

RECALL

At the request of the principal sponsor, Representative Molaro, HOUSE BILL 2769 was recalled from the order of Third Reading to the order of Second Reading.

HOUSE BILL ON SECOND READING

HOUSE BILL 2769. Having been recalled on April 17, 2008, to the order of Second Reading, the same was again taken up.

Representative Molaro offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend House Bill 2769, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, line 14 by replacing "or" with "or"; and

On page 1, line 15 by inserting after "offense," the following:

"or conspiracy to commit an included sex offense"; and

On page 1, line 16 by replacing "or" with "or"; and

On page 2, line 1 by inserting after "offense" the following:

"or conspiracy to commit such offense"; and

on page 2, by replacing line 3 with the following:

"such offense, or an attempt to commit such offense, or conspiracy to commit such offense; or"; and

On page 2, line 6 by replacing "or" with "or"; and

On page 2, line 7 by inserting after "offense" the following:
"or conspiracy to commit such offense"; and
On page 2, line 12 by inserting after "offense" the following:
"or conspiracy to commit such an offense"; and
On page 2, line 18 by replacing "or" with "or"; and
On page 2, line 19 by inserting after "offense" the following:
"or of conspiracy to commit such an offense"; and
On page 2, line 25 by replacing "or" with "or"; and
On page 2, line 26 by inserting after "offense" the following:
"or conspiracy to commit such an offense"; and
On page 3, line 13 by replacing "or" with "or"; and
On page 3, line 13 by inserting after "commit" the following:
"or conspiring to commit"; and
On page 3, line 19 by replacing "or" with "or"; and
On page 3, line 19 by inserting after "commit" the following:
"or conspiring to commit"; and
On page 4, line 7 by inserting after "violation of" the following:
"an attempted violation of, or a conspiracy to commit a violation of"; and
On page 5, line 7 by replacing "An attempt to commit any of these offenses." with "~~An attempt to commit any of these offenses.~~"; and
On page 5, line 8 by inserting after "violation of" the following:
"an attempted violation of, or a conspiracy to commit a violation of"; and
On page 5, line 21 by inserting after "offense," the following:
"the attempted commission of the offense, or the conspiracy to commit the offense"; and
On page 5, line 25 by replacing " or" with "of, an or"; and
On page 5, line 25 by inserting after "attempted violation" the following:
"of, or a conspiracy to commit a violation"; and
On page 6, line 5 by replacing "or" with "or"; and
On page 6, line 5 by inserting after "attempting to lure" the following:
"or conspiring to lure"; and
On page 6, line 12 by replacing "or" with "of, an or"; and
On page 6, line 12 by inserting after "attempted violation" the following:
"of, or a conspiracy to commit a violation"; and
On page 7, line 7 by replacing "or" with "of, an or"; and
On page 7, line 7 inserting after "attempted violation of" the following:
"or a conspiracy to commit a violation of"; and
On page 7, line 10 by inserting after "violation of" the following:
"an attempted violation of or, or a conspiracy to commit a violation of"; and
On page 8, line 1 by inserting after "murder" the following:
"attempted first degree murder, or conspiring to commit first degree murder"; and
On page 12, lines 5 and 6 by replacing "register with" with "report in person to"; and
On page 12, line 6 by deleting "appropriate"; and
On page 12, line 7 by replacing "~~with whom he or she last registered~~" with "with whom he or she last registered"; and
On page 12, by replacing lines 9 through 12 with "~~hereafter, and at other such times at the request of the law enforcement agency not to exceed 4 times a year. Such~~"; and
On page 12, line 26 by replacing "committed" with "was convicted of"; and
On page 12, line 26 by replacing "January" with "July"; and
On page 13, line 1 by deleting "appropriate"; and
On page 13, lines 4 and 5 by deleting ", and at other times at the request of the law enforcement agency not to exceed 4 times a year"; and
On page 13, line 7 by replacing "committed" with "was convicted of"; and
On page 13, line 8 by replacing "January" with "July"; and
On page 13, line 10 by deleting "appropriate"; and
On page 13, lines 12 and 13 by deleting ", and at other times at the request of the law enforcement agency not to exceed 4 times a year"; and
On page 13, line 15 by replacing "committed" with "was convicted of"; and

On page 13, line 16 by replacing "January" with "July"; and

On page 13, line 18 by replacing "register with the appropriate" with "report in person to the"; and

On page 13, line 18 by inserting after "agency" the following "with whom he or she last registered"; and

On page 13, lines 20 through 23 by deleting ", and at other times at the request of the law enforcement agency not to exceed 4 times a year. The law enforcement agency having jurisdiction has the discretion to determine the location and law enforcement official"; and

On page 16, line 22 by replacing "or" with "of, an"; and

On page 16, line 23 by inserting after "violation of" the following:
", or a conspiracy to commit a violation of"; and

On page 16, line 24 by deleting "who committed his or her sex offense"; and

On page 16, line 25 by replacing "January" with "July"; and

On page 17, line 19 by replacing "or" with "of, an"; and

On page 17, line 20 by inserting after "violation of" the following:
", or a conspiracy to commit a violation of"; and

On page 17, line 21 by deleting "who committed his or her offense"; and

On page 17, line 22 by replacing "January" with "July"; and

On page 19, line 13 by replacing "or" with "of, an"; and

On page 19, line 14 by inserting after "violation of" the following:
", or a conspiracy to commit a violation of"; and

On page 19, line 15 by deleting "who committed his or her offense"; and

On page 19, line 16 by replacing "January" with "July"; and

On page 19, lines 24 through 26 by deleting ", and the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act"; and

On page 20, line 6 by replacing "or" with ","; and

On page 20, line 7 by inserting after "attempting to lure" the following:
", or conspiring to lure"; and

On page 20, line 13 by replacing "or" with "of, an"; and

On page 20, line 14 by inserting after "violation of" the following:
", or a conspiracy to commit a violation of"; and

On page 20, line 15 by deleting "who committed his or her offense"; and

On page 20, line 16 by replacing "January" with "July"; and

On page 20, line 19 by replacing "his or her natural life" with "15 years"; and

On page 21, line 15 by replacing "or" with "of, an"; and

On page 21, line 16 by inserting after "violation of" the following:
", or a conspiracy to commit a violation of"; and

On page 21, line 17 by deleting "who committed his or her sex offense"; and

On page 21, line 18 by replacing "January" with "July"; and

On page 21, lines 23 through 24 by replacing "his or her natural life" with "15 years"; and

On page 22, line 6 by replacing "or" with "of, an"; and

On page 22, line 7 by inserting after "violation of" the following:
", or a conspiracy to commit a violation of"; and

On page 22, lines 8 and 9 by deleting "who committed his or her sex offense"; and

On page 22, line 9 by replacing "January" with "July"; and

On page 22, line 9 by replacing "be" with "register"; and

On page 22, line 9 by inserting after "for" the following:
"a period of"; and

On page 22, lines 12 and 13 by replacing "his or her natural life" with "15 years"; and

On page 22 by replacing lines 15 through 22 with the following:
"(c) Any other person who is required to register under this Article shall be required to register for a period of 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, for a period of 10 years after parole, discharge or release from any such facility. This amendatory act of the 95th General Assembly shall not impact the registration term of any sex offender registered under this Act on its effective date."; and

On page 24 line 19 by inserting after "Verification" the following:
"of a residential address must occur in person by a law enforcement official. Verification of employment and school addresses"

On page 24, lines 20 and 21 by deleting "an annual mailing."

On page 24, line 21 by deleting "public utility bills".

The foregoing motion prevailed and Amendment No. 3 was adopted.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Younge, HOUSE BILL 4922 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 20)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Younge, HOUSE BILL 4935 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 61, Yeas; 51, Nays; 0, Answering Present.

(ROLL CALL 21)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Durkin, HOUSE BILL 4578 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 22)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

ACTION ON MOTIONS

Pursuant to the motion submitted previously, Representative Beaubien moved to reconsider the vote by which HOUSE BILL 5152 failed.

The motion prevailed.

HOUSE BILLS ON SECOND READING

HOUSE BILL 4470. Having been reproduced, was taken up and read by title a second time. The following amendments were offered in the Committee on Labor, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4470 as follows:
on page 2, lines 9 and 10, by replacing "Illinois residents" with "employed at an Illinois facility"; and
on page 2, line 13, by replacing "an Illinois resident" with "employed at an Illinois facility".

AMENDMENT NO. 2. Amend House Bill 4470 on page 1, line 16, after the period, by inserting the

following:

"No participating employee may be an unauthorized alien, as defined in 8 U.S.C. 1324a."; and on page 2, line 10, after "residents", by inserting ", not unauthorized aliens.".

AMENDMENT NO. 3. Amend House Bill 4470 on page 2, line 14, 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 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."

Representative Crespo offered the following amendment and moved its adoption:

AMENDMENT NO. 4. Amend House Bill 4470, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by changing Section 605-800 as follows:

(20 ILCS 605/605-800) (was 20 ILCS 605/46.19a in part)

Sec. 605-800. Training grants for skills in critical demand.

(a) Grants to provide training in fields affected by critical demands for certain skills may be made as provided in this Section.

(b) The Director may make grants to eligible employers or to other eligible entities on behalf of employers as authorized in subsection (c) to provide training for employees in fields for which there are critical demands for certain skills. No participating employee may be an unauthorized alien, as defined in 8 U.S.C. 1324a.

(c) The Director may accept applications for training grant funds and grant requests from: (i) entities sponsoring multi-company eligible employee training projects as defined in subsection (d), including business associations, strategic business partnerships, institutions of secondary or higher education, large manufacturers or supplier network companies, federal Job Training Partnership Act administrative entities or grant recipients, and labor organizations when those projects will address common training needs identified by participating companies; and (ii) individual employers that are undertaking eligible employee training projects as defined in subsection (d), including intermediaries and training agents.

(c-5) Entities sponsoring multi-company training grant programs shall obtain from a duly authorized officer of each participating company a certification that all participating employees are employed at Illinois facilities and, for each participating employee, stating the employee's name and either (i) stating the employee's social security number or (ii) certifying that the company has verified that the employee is employed at an Illinois facility. Each application from an individual employer shall be accompanied with a certification signed and dated by a duly authorized officer of the applicant certifying that all participating employees are employed at Illinois facilities and, for each participating employee, stating the employee's name and either (i) stating the employee's social security number or (ii) certifying that the applicant has verified that the employee is employed at an Illinois facility. The Department may audit the accuracy of applications.

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.

(d) The Director may make grants to eligible applicants as defined in subsection (c) for employee training projects that include, but need not be limited to, one or more of the following:

(1) Training programs in response to new or changing technology being introduced in the workplace.

(2) Job-linked training that offers special skills for career advancement or that is preparatory for, and leads directly to, jobs with definite career potential and long-term job security.

(3) Training necessary to implement total quality management or improvement or both management and improvement systems within the workplace.

(4) Training related to new machinery or equipment.

(5) Training of employees of companies that are expanding into new markets or expanding exports from Illinois.

(6) Basic, remedial, or both basic and remedial training of employees as a prerequisite for other vocational or technical skills training or as a condition for sustained employment.

(7) Self-employment training of the unemployed and underemployed with comprehensive, competency-based instructional programs and services, entrepreneurial education and training initiatives for youth and adult learners in cooperation with the Illinois Institute for Entrepreneurial Education, training and education, conferences, workshops, and best practice information for local program operators of entrepreneurial education and self-employment training programs.

(8) Other training activities or projects, or both training activities and projects, related to the support, development, or evaluation of job training programs, activities, and delivery systems, including training needs assessment and design.

(e) Grants shall be made on the terms and conditions that the Department shall determine. No grant made under subsection (d), however, shall exceed 50% of the direct costs of all approved training programs provided by the employer or the employer's training agent or other entity as defined in subsection (c). Under this Section, allowable costs include, but are not limited to:

(1) Administrative costs of tracking, documenting, reporting, and processing training funds or project costs.

(2) Curriculum development.

(3) Wages and fringe benefits of employees.

(4) Training materials, including scrap product costs.

(5) Trainee travel expenses.

(6) Instructor costs, including wages, fringe benefits, tuition, and travel expenses.

(7) Rent, purchase, or lease of training equipment.

(8) Other usual and customary training costs.

(f) ~~The Director may conduct will ensure that a minimum of one on-site grant monitoring visits to visit is conducted by the Department either during the course of the grant period or within 6 months following the end of the grant period. The Department shall~~ verify that the grantee's financial management system is structured to provide for accurate, current, and complete disclosure of the financial results of the grant program in accordance with all provisions, terms, and conditions contained in the grant contract.

(g) The Director may establish and collect a schedule of charges from subgrantee entities and other system users under federal job-training programs for participating in and utilizing the Department's automated job-training program information systems if the systems and the necessary participation and utilization are requirements of the federal job-training programs. All monies collected pursuant to this subsection shall be deposited into the Title III Social Security and Employment Fund, except that any moneys that may be necessary to pay liabilities outstanding as of June 30, 2000 shall be deposited into the Federal Job-Training Information Systems Revolving Fund.

(Source: P.A. 90-454, eff. 8-16-97; 91-239, eff. 1-1-00; 91-476, eff. 8-11-99; 91-704, eff. 7-1-00.)

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

The foregoing motion prevailed and Amendment No. 4 was adopted.

There being no further amendments, the foregoing Amendments numbered 1, 2, 3 and 4 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 4836. 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 4836 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 356z.11 as follows:

(215 ILCS 5/356z.11 new)

Sec. 356z.11. Individual and group accident and health insurance. When the term "individual and group accident and health insurance" is used in this Code, unless otherwise specified, it shall not apply to policies that cover dental care only, short-term travel, accident-only, limited, or specified disease policies or to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under State or federal governmental plans.

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."

Representative Beaubien offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4836, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 356z.12 as follows:

(215 ILCS 5/356z.12 new)

Sec. 356z.12. Applicability of mandated benefits to supplemental policies. Unless specified otherwise, the following Sections of the Illinois Insurance Code do not apply to short-term travel, disability income, long-term care, accident only, or limited or specified disease policies, including dental-only and vision-only policies, or to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare: 356b, 356c, 356d, 356g, 356k, 356m, 356n, 356p, 356q, 356r, 356t, 356u, 356w, 356x, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 367.2, 367.2-5, and 367e.

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."

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 4844. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 4844 by replacing everything after the enacting clause with the following:

"Section 5. The Humane Care for Animals Act is amended by adding Section 3.08 as follows:

(510 ILCS 70/3.08 new)

Sec. 3.08. Euthanasia of companion animal by prohibited method. Any individual who knowingly or intentionally euthanizes or authorizes the euthanasia of a companion animal by any of the following means is guilty of a Class A misdemeanor for the first violation and a Class 4 felony for a second or subsequent violation:

(1) by means of placing the companion animal in a decompression chamber and lowering the pressure of the oxygen content in the air surrounding the animal; or

(2) by use of carbon monoxide or carbon dioxide.

Section 10. The Humane Euthanasia in Animal Shelters Act is amended by changing Sections 35, 57, 65, and 90 and by adding Sections 36, 66, and 91 as follows:

(510 ILCS 72/35)

Sec. 35. Technician certification; duties.

(a) An applicant for certification as a euthanasia technician shall file an application with the Department and shall:

(1) Be 18 years of age.

(2) Be of good moral character. In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or activities that would constitute grounds for discipline under this Act.

(3) Each applicant for certification as a euthanasia technician shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department.

(4) Hold a license or certification from the American Humane Association, the National Animal Control Association, the Illinois Federation of Humane Societies, or the Humane Society of the United States ~~issued within 3 years preceding the date of application.~~ Every 5 years a certified euthanasia technician must renew his or her certification with the Department. At the time of renewal, the technician must present proof that he or she attended a class or seminar that teaches techniques or guidelines, or both, for humane animal euthanasia administered by the American Humane Association, the National Animal Control Association, the Illinois Federation of Humane Societies, or the Humane Society of the United States.

~~For a period of 12 months after the adoption of final administrative rules for this Act, the Department may issue a certification to an applicant who holds a license or certification from the American Humane Association, the National Animal Control Association, the Illinois Federation of Humane Societies, or the Humane Society of the United States issued after January 1, 1997.~~

(5) Pay the required fee.

(b) The duties of a euthanasia technician shall include but are not limited to:

- (1) preparing animals for euthanasia and scanning each animal, prior to euthanasia, for microchips;
- (2) accurately recording the dosages administered and the amount of drugs wasted;
- (3) ordering supplies;
- (4) maintaining the security of all controlled substances and drugs;
- (5) humanely euthanizing animals via intravenous injection by hypodermic needle, intraperitoneal injection by hypodermic needle, solutions or powder added to food or by mouth, intracardiac injection only on comatose animals by hypodermic needle, ~~or carbon monoxide in a commercially manufactured chamber~~; and
- (6) properly disposing of euthanized animals after verification of death.

(c) A euthanasia technician employed by a euthanasia agency may perform euthanasia by the administration of a Schedule II or Schedule III nonnarcotic controlled substance. A euthanasia technician may not personally possess, order, or administer a controlled substance except as an agent of the euthanasia agency.

(d) Upon termination from a euthanasia agency, a euthanasia technician shall not perform animal euthanasia until he or she is employed by another certified euthanasia agency.

(e) A certified euthanasia technician or an instructor in an approved course does not engage in the practice of veterinary medicine when performing duties set forth in this Act.

(Source: P.A. 92-449, eff. 1-1-02; 93-626, eff. 12-23-03.)

(510 ILCS 72/36 new)

Sec. 36. Certificate issuance restrictions. The Department shall not issue a certificate to any individual convicted in Illinois of a forcible felony, a felony violation of the Humane Care for Animals Act, a felony violation of Article 24 of the Criminal Code of 1961, a felony violation of Class 3 or higher of the Cannabis Control Act, a felony violation of Class 2 or higher of the Methamphetamine Control and Community Prevention Act, or any violation of Section 12-35 or 26-5 of the Criminal Code of 1961, or convicted in another jurisdiction of the United States of an offense substantially similar to any of the specified Illinois offenses.

(510 ILCS 72/57)

Sec. 57. Procedures for euthanasia.

(a) Only euthanasia drugs ~~and commercially compressed carbon monoxide, subject to the limitations imposed under subsection (b) of this Section,~~ shall be used for the purpose of humanely euthanizing injured, sick, homeless, or unwanted companion animals in an animal shelter or an animal control facility licensed under the Illinois Animal Welfare Act.

(b) (Blank). ~~Commercially compressed carbon monoxide may be used as a permitted method of euthanasia provided that it is performed in a commercially manufactured chamber pursuant to the guidelines set forth in the most recent report of the AVMA Panel on Euthanasia. A chamber that is designed to euthanize more than one animal at a time must be equipped with independent sections or cages to separate incompatible animals. The interior of the chamber must be well lit and equipped with view ports, a regulator, and a flow meter. Monitoring equipment must be used at all times during the operation. Animals that are under 4 months of age, old, injured, or sick may not be euthanized by carbon monoxide. Animals shall remain in the chamber and be exposed for a minimum of 20 minutes. Staff members shall be fully notified of potential health risks.~~

(c) Animals cannot be transported beyond State lines for the sole purpose of euthanasia ~~unless the euthanasia methods comply with subsection (a) or (b) of this Section and the euthanasia is performed by a certified euthanasia technician.~~

(Source: P.A. 92-449, eff. 1-1-02; 93-626, eff. 12-23-03.)

(510 ILCS 72/65)

Sec. 65. Refused issuance, suspension, or revocation of certification. The Department shall refuse to renew or shall revoke a euthanasia technician certification and may impose a fine not to exceed \$1,000 for a certified euthanasia technician for any one or combination of the following reasons, each of which is a violation of the Act:

(1) Failing to carry out any of the following duties of a euthanasia technician:

(A) scanning for microchips or other identification prior to euthanasia;

(B) maintaining the security of all controlled substances and drugs;

(C) humanely euthanizing animals by intravenous injection by hypodermic needle, intraperitoneal injection by hypodermic needle, solutions or powder added to food or by mouth, intracardiac injection only

on comatose animals by hypodermic needle; or

(D) verification of death by using a cardiac puncture or stethoscope or by recognizing the signs of rigor mortis.

(2) Abusing the use of any controlled or illegal chemical substance.

(3) Selling, stealing, or giving controlled or illegal chemical substances away.

(4) Abetting anyone in the activities listed in this Section.

(5) Violating any provision of the Illinois Animal Welfare Act, the Illinois Humane Care for Animals Act, or the Illinois Controlled Substances Act.

(6) Acting as a euthanasia technician outside of the scope of his or her employment with a certified euthanasia agency or while not employed by a certified euthanasia agency. The Department may refuse to issue, renew, or restore a certification or may revoke or suspend a certification, or place on probation, reprimand, impose a fine not to exceed \$1,000 for each violation, or take other disciplinary action as the Department may deem proper with regard to a certified euthanasia agency or a certified euthanasia technician for any one or combination of the following reasons:

(1) failing to carry out the duties of a euthanasia technician;

(2) abusing the use of any chemical substance;

(3) selling, stealing, or giving chemical substances away;

(4) abetting anyone in the activities listed in this subsection; or

(5) violating any provision of this Act, the Illinois Controlled Substances Act, the rules adopted under these Acts or any rules adopted by the Department of Professional Regulation concerning the euthanizing of animals.

(Source: P.A. 92-449, eff. 1-1-02.)

(510 ILCS 72/66 new)

Sec. 66. Refused issuance or revocation of euthanasia agency certification. The Department shall refuse to renew or shall revoke a euthanasia agency's certification and may impose a fine not to exceed \$1,000 for any one of the following reasons, each of which is a violation of the Act:

(1) Knowingly or willfully allowing a euthanasia technician to perform any of the actions described in Section 65 of this Act.

(2) Failing to maintain the security of all controlled substances and drugs.

(3) Allowing euthanasia to be performed by an individual other than a certified euthanasia technician, a licensed veterinarian, or an instructor.

(4) Failing to comply with the requirements of the Illinois Food, Drug and Cosmetic Act; federal Food, Drug and Cosmetic Act; federal Controlled Substances Act; or the Illinois Controlled Substances Act.

(510 ILCS 72/90)

Sec. 90. Uncertified practice; civil penalty.

(a) A person who practices, offers to practice, attempts to practice, or holds himself or herself out as a certified euthanasia technician or a certified euthanasia agency without being certified under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a certified euthanasia technician or a certified euthanasia agency. The civil penalty must be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and executed in the same manner as any judgment from any court of record.

(b) The Department may investigate any uncertified activity.

(c) Instructors or licensed veterinarians teaching humane euthanasia techniques are exempt from the certification process so long as they are currently licensed by another state as a euthanasia technician or as a veterinarian.

(Source: P.A. 92-449, eff. 1-1-02.)

(510 ILCS 72/91 new)

Sec. 91. Criminal penalties. An individual, an agency, or a technician who is found to have violated any one of the following provisions of this Act is guilty of a Class A misdemeanor:

(1) Euthanasia technician. Any violation of Section 65.

(2) Euthanasia agency. An administrator, a director, a manager, or a supervisor of a euthanasia agency who knowingly or willfully violates Section 66.

(3) Personal. Any person who practices, offers to practice, attempts to practice, or holds himself, herself, or itself out as a certified euthanasia technician or a certified euthanasia agency without being

certified under this Act.

On conviction of a second or subsequent offense, the violator is guilty of a Class 4 felony. The Department shall refer any alleged violation of these provision for the purpose of criminal investigation and prosecution to local law enforcement or the Illinois State Police and to the State's Attorney in the county within which the violation occurred or the Illinois Attorney General's office.

The Department shall also refer any information it receives that appears to violate the Humane Care for Animals Act for criminal investigation and prosecution to the Illinois State Police and to the State's Attorney in the county within which the violation occurred or the Illinois Attorney General's office.

(510 ILCS 72/165 rep.)

Section 15. The Humane Euthanasia in Animal Shelters Act is amended by repealing Section 165."

AMENDMENT NO. 2. Amend House Bill 4844 as follows:
on page 29, lines 15 and 16, by deleting "or the Illinois Attorney General's office"; and
on page 29, lines 21 and 22, by deleting "or the Illinois Attorney General's office".

Representative Fritchey offered the following amendment and moved its adoption:

AMENDMENT NO. 3. Amend House Bill 4844, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Humane Care for Animals Act is amended changing 3.02 and by adding Section 3.09 as follows:

(510 ILCS 70/3.02)

Sec. 3.02. Aggravated cruelty.

(a) No person may intentionally commit an act that causes a companion animal to suffer serious injury or death. Aggravated cruelty does not include euthanasia of a companion animal through recognized methods approved by the Department of Agriculture unless prohibited under subsection (b) or (c).

(b) No individual, except a licensed veterinarian as exempted under Section 3.09, may knowingly or intentionally euthanize or authorize the euthanasia of a companion animal by use of carbon monoxide.

(c) No individual may knowingly or intentionally euthanize or authorize the euthanasia of a companion animal by any of the following means:

(1) by means of placing the companion animal in a decompression chamber and lowering the pressure of the oxygen content in the air surrounding the animal; or

(2) by use of carbon dioxide.

(d) A person convicted of violating Section 3.02 is guilty of a Class 4 felony. A second or subsequent violation is a Class 3 felony. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(Source: P.A. 92-650, eff. 7-11-02.)

(510 ILCS 70/3.09 new)

Sec. 3.09. Carbon monoxide euthanasia by a licensed veterinarian. A licensed veterinarian may euthanize a companion animal in a commercially manufactured chamber by use of compressed carbon monoxide. The veterinarian must be physically present during the euthanasia process until death is confirmed. The veterinarian must take the following steps when using a gas chamber:

(1) Render a written opinion for each companion animal including the following:

(A) a description of the animal including species, color, age, sex, and microchip number if present.

(B) a signed and dated statement that the use of compressed carbon monoxide is the most humane method of euthanasia for this companion animal.

(2) Use a commercially manufactured chamber pursuant to the guidelines set forth in the most recent report of the AVMA Panel on Euthanasia. The interior of the chamber must be well lit and equipped with view-ports, a regulator, and a flow meter. Monitoring equipment must be used at all times during the operation. Animals that are under 4 months of age, old, injured, or sick may not be euthanized by carbon monoxide. Animals shall remain in the chamber and be exposed for a minimum of 20 minutes. Staff members shall be fully notified of potential health risks.

(3) Only one companion animal may be euthanized at a time.

Section 10. The Humane Euthanasia in Animal Shelters Act is amended by changing Sections 35, 57, 65, and 90 and by adding Sections 36, 66, and 91 as follows:

(510 ILCS 72/35)

Sec. 35. Technician certification; duties.

(a) An applicant for certification as a euthanasia technician shall file an application with the Department and shall:

(1) Be 18 years of age.

(2) Be of good moral character. In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or activities that would constitute grounds for discipline under this Act.

(3) Each applicant for certification as a euthanasia technician shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department.

(4) Hold a license or certification from the American Humane Association, the National Animal Control Association, the Illinois Federation of Humane Societies, or the Humane Society of the United States issued within 3 years preceding the date of application. Every 5 years a certified euthanasia technician must renew his or her certification with the Department. At the time of renewal, the technician must present proof that he or she attended a class or seminar that teaches techniques or guidelines, or both, for humane animal euthanasia administered by the American Humane Association, the National Animal Control Association, the Illinois Federation of Humane Societies, or the Humane Society of the United States.

~~For a period of 12 months after the adoption of final administrative rules for this Act, the Department may issue a certification to an applicant who holds a license or certification from the American Humane Association, the National Animal Control Association, the Illinois Federation of Humane Societies, or the Humane Society of the United States issued after January 1, 1997.~~

(5) Pay the required fee.

(b) The duties of a euthanasia technician shall include but are not limited to:

(1) preparing animals for euthanasia and scanning each animal, prior to euthanasia, for microchips;

(2) accurately recording the dosages administered and the amount of drugs wasted;

(3) ordering supplies;

(4) maintaining the security of all controlled substances and drugs;

(5) humanely euthanizing animals via intravenous injection by hypodermic needle, intraperitoneal injection by hypodermic needle, solutions or powder added to food or by mouth, intracardiac injection only on comatose animals by hypodermic needle, ~~or carbon monoxide in a commercially manufactured chamber;~~ and

(6) properly disposing of euthanized animals after verification of death.

(c) A euthanasia technician employed by a euthanasia agency may perform euthanasia by the administration of a Schedule II or Schedule III nonnarcotic controlled substance. A euthanasia technician may not personally possess, order, or administer a controlled substance except as an agent of the euthanasia agency.

(d) Upon termination from a euthanasia agency, a euthanasia technician shall not perform animal euthanasia until he or she is employed by another certified euthanasia agency.

(e) A certified euthanasia technician or an instructor in an approved course does not engage in the practice of veterinary medicine when performing duties set forth in this Act.

(Source: P.A. 92-449, eff. 1-1-02; 93-626, eff. 12-23-03.)

(510 ILCS 72/36 new)

Sec. 36. Certificate issuance restrictions. The Department shall not issue a certificate to any individual convicted in Illinois of a forcible felony, a felony violation of the Humane Care for Animals Act, a felony violation of Article 24 of the Criminal Code of 1961, a felony violation of Class 3 or higher of the Cannabis Control Act, a felony violation of Class 2 or higher of the Methamphetamine Control and Community

Prevention Act, or any violation of Section 12-35 or 26-5 of the Criminal Code of 1961, or convicted in another jurisdiction of the United States of an offense substantially similar to any of the specified Illinois offenses.

(510 ILCS 72/57)

Sec. 57. Procedures for euthanasia.

(a) ~~Only euthanasia drugs and commercially compressed carbon monoxide, subject to the limitations imposed under subsection (b) of this Section,~~ shall be used for the purpose of humanely euthanizing injured, sick, homeless, or unwanted companion animals in an animal shelter or an animal control facility licensed under the Illinois Animal Welfare Act.

(b) ~~(Blank). Commercially compressed carbon monoxide may be used as a permitted method of euthanasia provided that it is performed in a commercially manufactured chamber pursuant to the guidelines set forth in the most recent report of the AVMA Panel on Euthanasia. A chamber that is designed to euthanize more than one animal at a time must be equipped with independent sections or cages to separate incompatible animals. The interior of the chamber must be well lit and equipped with view ports, a regulator, and a flow meter. Monitoring equipment must be used at all times during the operation. Animals that are under 4 months of age, old, injured, or sick may not be euthanized by carbon monoxide. Animals shall remain in the chamber and be exposed for a minimum of 20 minutes. Staff members shall be fully notified of potential health risks.~~

(c) ~~Animals cannot be transported beyond State lines for the sole purpose of euthanasia unless the euthanasia methods comply with subsection (a) or (b) of this Section and the euthanasia is performed by a certified euthanasia technician.~~

(Source: P.A. 92-449, eff. 1-1-02; 93-626, eff. 12-23-03.)

(510 ILCS 72/65)

Sec. 65. Refused issuance, suspension, or revocation of certification. The Department shall refuse to renew or shall revoke a euthanasia technician certification and may impose a fine not to exceed \$1,000 for a certified euthanasia technician for any one or combination of the following reasons, each of which is a violation of the Act:

(1) Failing to carry out any of the following duties of a euthanasia technician:

(A) scanning for microchips or other identification prior to euthanasia;

(B) maintaining the security of all controlled substances and drugs;

(C) humanely euthanizing animals by intravenous injection by hypodermic needle, intraperitoneal injection by hypodermic needle, solutions or powder added to food or by mouth, intracardiac injection only on comatose animals by hypodermic needle; or

(D) verification of death by using a cardiac puncture or stethoscope or by recognizing the signs of rigor mortis.

(2) Abusing the use of any controlled or illegal chemical substance.

(3) Selling, stealing, or giving controlled or illegal chemical substances away.

(4) Abetting anyone in the activities listed in this Section.

(5) Violating any provision of the Illinois Animal Welfare Act, the Illinois Humane Care for Animals Act, or the Illinois Controlled Substances Act.

(6) Acting as a euthanasia technician outside of the scope of his or her employment with a certified euthanasia agency or while not employed by a certified euthanasia agency. The Department may refuse to issue, renew, or restore a certification or may revoke or suspend a certification, or place on probation, reprimand, impose a fine not to exceed \$1,000 for each violation, or take other disciplinary action as the Department may deem proper with regard to a certified euthanasia agency or a certified euthanasia technician for any one or combination of the following reasons:

(1) failing to carry out the duties of a euthanasia technician;

(2) abusing the use of any chemical substance;

(3) selling, stealing, or giving chemical substances away;

(4) abetting anyone in the activities listed in this subsection; or

(5) violating any provision of this Act, the Illinois Controlled Substances Act, the rules adopted under these Acts or any rules adopted by the Department of Professional Regulation concerning the euthanizing of animals.

(Source: P.A. 92-449, eff. 1-1-02.)

(510 ILCS 72/66 new)

Sec. 66. Refused issuance or revocation of euthanasia agency certification. The Department shall refuse to renew or shall revoke a euthanasia agency's certification and may impose a fine not to exceed \$1,000 for

any one of the following reasons, each of which is a violation of the Act:

(1) Knowingly or willfully allowing a euthanasia technician to perform any of the actions described in Section 65 of this Act.

(2) Failing to maintain the security of all controlled substances and drugs.

(3) Allowing euthanasia to be performed by an individual other than a certified euthanasia technician, a licensed veterinarian, or an instructor.

(4) Failing to comply with the requirements of the Illinois Food, Drug and Cosmetic Act; federal Food, Drug and Cosmetic Act; federal Controlled Substances Act; or the Illinois Controlled Substances Act.

(510 ILCS 72/90)

Sec. 90. Uncertified practice; civil penalty.

(a) A person who practices, offers to practice, attempts to practice, or holds himself or herself out as a certified euthanasia technician or a certified euthanasia agency without being certified under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a certified euthanasia technician or a certified euthanasia agency. The civil penalty must be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and executed in the same manner as any judgment from any court of record.

(b) The Department may investigate any uncertified activity.

(c) Instructors or licensed veterinarians teaching humane euthanasia techniques are exempt from the certification process so long as they are currently licensed by another state as a euthanasia technician or as a veterinarian.

(Source: P.A. 92-449, eff. 1-1-02.)

(510 ILCS 72/91 new)

Sec. 91. Criminal penalties. An individual, an agency, or a technician who is found to have violated any one of the following provisions of this Act is guilty of a Class A misdemeanor:

(1) Euthanasia technician. Any violation of Section 65.

(2) Euthanasia agency. An administrator, a director, a manager, or a supervisor of a euthanasia agency who knowingly or willfully violates Section 66.

(3) Personal. Any person who practices, offers to practice, attempts to practice, or holds himself, herself, or itself out as a certified euthanasia technician or a certified euthanasia agency without being certified under this Act.

On conviction of a second or subsequent offense, the violator is guilty of a Class 4 felony. The Department shall refer any alleged violation of these provision for the purpose of criminal investigation and prosecution to local law enforcement or the Illinois State Police and to the State's Attorney in the county within which the violation occurred.

The Department shall also refer any information it receives that appears to violate the Humane Care for Animals Act for criminal investigation and prosecution to the Illinois State Police and to the State's Attorney in the county within which the violation occurred.

(510 ILCS 72/165 rep.)

Section 15. The Humane Euthanasia in Animal Shelters Act is amended by repealing Section 165."

The foregoing motion prevailed and Amendment No. 3 was adopted.

There being no further amendments, the foregoing Amendments numbered 1, 2 and 3 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 5518.

HOUSE BILL 4401. 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 4401 on page 4, after line 5, 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."

Representative Meyer offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4401 on page 2, line 19, before the period, by inserting "and also for 8 young adults in McHenry County".

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 4822. Having been recalled on April 16, 2008, and held on the order of Second Reading, the same was again taken up.

Representative Mulligan offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 4822, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 14-8.03 as follows:

(105 ILCS 5/14-8.03) (from Ch. 122, par. 14-8.03)

Sec. 14-8.03. Transition ~~goals, supports, and services.~~

(a) For purposes of this Section, "transition services" means a coordinated set of activities for a child with a disability that (i) is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; (ii) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and (iii) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills, benefits planning, work incentives education, and the provision of a functional vocational evaluation. Transition services for a child with a disability may be special education, if provided as specially designed instruction, or a related service if required to assist a child with a disability to benefit from special education.

(a-5) Beginning no later than the first individualized education plan (IEP) in effect when the student turns age 14 1/2 (or younger if determined appropriate by the IEP Team) and updated annually thereafter, the IEP must include (i) measurable post-secondary goals based upon age-appropriate transition assessments and other information available regarding the student that are related to training, education, employment, and, where appropriate, independent living skills and (ii) the transition services needed to assist the student in reaching those goals, including courses of study. A school district shall consider, and develop when needed, the transition goals and supports for eligible students with disabilities not later than the school year in which the student reaches age 14 1/2 at the individualized education plan meeting and provide services as identified on the student's individualized education plan. Transition goals shall be based on appropriate evaluation procedures and information, take into consideration the preferences of the student and his or her parents or guardian, be outcome oriented, and include employment, post secondary

education, and community living alternatives. Consideration of these goals shall result in the clarification of a school district's responsibility to deliver specific educational services such as vocational training and community living skills instruction.

(b) Transition planning must be conducted as part of the IEP process and must be governed by the procedures applicable to the development, review, and revision of the IEP, including notices to the parents and student, parent and student participation, and annual review. To appropriately assess and develop IEP transition goals and transition services for a child with a disability plan for the student's transition needs, additional participants individualized education plan team members may be necessary and may be invited asked by the school district, parent, or student to participate assist in the transition planning process. Additional participants individualized education plan team members may include without limitation a representative from the Department of Human Services or another State agency, a case coordinator, or persons representing other public or community agencies or services, such as adult service providers or public community colleges. The IEP individualized education plan shall identify specify each person responsible for coordinating and delivering transition services. If the IEP team determines that the student requires transition services from a public or private entity outside of the school district, the IEP team shall identify potential outside resources, assign one or more IEP team members to contact the appropriate outside entities, make the necessary referrals, provide any information and documents necessary to complete the referral, follow up with the entity to ensure that the student has been successfully linked to the entity, and monitor the student's progress to determine if the student's IEP transition goals and benchmarks are being met. The student's IEP shall indicate one or more specific time periods during the school year when the IEP team shall review the services provided by the outside entity and the student's progress in such activities. The public school's responsibility for delivering educational services does not extend beyond the time the student leaves school or when the student's eligibility ends due to age under this Article student reaches age 21.

(c) A school district shall submit annually a summary of each eligible student's IEP transition goals and transition services needed supports resulting from the IEP Team individualized education plan team meeting to the appropriate local Transition Planning Committee. If students with disabilities who are ineligible for special education services request transition services, local public school districts shall assist those students by identifying post-secondary school goals, delivering appropriate education services, and coordinating with other agencies and services for assistance.

(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. 92-452, eff. 8-21-01.)

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 Amendment No. 2 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 5189. 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 5189, on page 33, by replacing lines 21 through 25 with the following:

"covenants, rules, regulations or bylaws. However, nothing in this Act or the declarations, bylaws, rules and regulations of an association that currently permits leasing or of an association incorporated after the effective date of this amendatory Act of the 95th General Assembly, shall prohibit the unit owners from leasing up to 20% of the units, as long as the unit owners otherwise comply with the provisions of this Act."; and

on page 37, by replacing lines 17 through 21 with the following:

"to the front-door area of a condominium unit. However, for associations incorporated after the effective date of this amendatory Act of the 95th General Assembly, and for associations that currently permit leasing, no declarations, by-laws, rules or regulations, or other condominium instruments shall prohibit the unit owners from leasing up to 20% of the total units, as long as the unit owners otherwise comply with the provisions of this Act."; and

on page 41, by replacing lines 4 through 11 with the following:

"(a) For a common interest community or homeowners' association incorporated after the effective date of this amendatory Act of the 95th General Assembly, and for a common interest community or homeowners' association that currently permits leasing, notwithstanding any other provision in the common interest community's or homeowners' association's declaration, covenants, bylaws, rules, regulations, or other instruments or any construction of those instruments by a common interest community's or homeowners' association's board of directors, a homeowners' association or common interest community incorporated under this Act may not prohibit 20% of the total units from being used as leasing property.".

Representative Pihos offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 5189, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Condominium Property Act is amended by changing Sections 18 and 18.4 as follows:

(765 ILCS 605/18) (from Ch. 30, par. 318)

(Text of Section before amendment by P.A. 95-624)

Sec. 18. Contents of bylaws. The bylaws shall provide for at least the following:

(a) (1) The election from among the unit owners of a board of managers, the number of persons constituting such board, and that the terms of at least one-third of the members of the board shall expire annually and that all members of the board shall be elected at large. If there are multiple owners of a single unit, only one of the multiple owners shall be eligible to serve as a member of the board at any one time.

(2) the powers and duties of the board;

(3) the compensation, if any, of the members of the board;

(4) the method of removal from office of members of the board;

(5) that the board may engage the services of a manager or managing agent;

(6) that each unit owner shall receive, at least 30 days prior to the adoption thereof by the board of managers, a copy of the proposed annual budget together with an indication of which portions are intended for reserves, capital expenditures or repairs or payment of real estate taxes;

(7) that the board of managers shall annually supply to all unit owners an itemized accounting of the common expenses for the preceding year actually incurred or paid, together with an indication of which portions were for reserves, capital expenditures or repairs or payment of real estate taxes and with a tabulation of the amounts collected pursuant to the budget or assessment, and showing the net excess or deficit of income over expenditures plus reserves;

(8) (i) that each unit owner shall receive notice, in the same manner as is provided in this Act for membership meetings, of any meeting of the board of managers concerning the adoption of the proposed annual budget and regular assessments pursuant thereto or to adopt a separate (special) assessment, (ii) that except as provided in subsection (iv) below, if an adopted budget or any separate assessment adopted by the board would result in the sum of all regular and separate assessments payable in the current fiscal year exceeding 115% of the sum of all regular and separate assessments payable during the preceding fiscal year, the board of managers, upon written petition by unit owners with 20 percent of the votes of the association delivered to the board within 14 days of the board action, shall call a meeting of the unit owners within 30 days of the date of delivery of the petition to consider the budget or separate assessment; unless a majority of the total votes of the unit owners are cast at the meeting to

reject the budget or separate assessment, it is ratified, (iii) that any common expense not set forth in the budget or any increase in assessments over the amount adopted in the budget shall be separately assessed against all unit owners, (iv) that separate assessments for expenditures relating to emergencies or mandated by law may be adopted by the board of managers without being subject to unit owner approval or the provisions of item (ii) above or item (v) below. As used herein, "emergency" means an immediate danger to the structural integrity of the common elements or to the life, health, safety or property of the unit owners, (v) that assessments for additions and alterations to the common elements or to association-owned property not included in the adopted annual budget, shall be separately assessed and are subject to approval of two-thirds of the total votes of all unit owners, (vi) that the board of managers may adopt separate assessments payable over more than one fiscal year. With respect to multi-year assessments not governed by items (iv) and (v), the entire amount of the multi-year assessment shall be deemed considered and authorized in the first fiscal year in which the assessment is approved;

(9) that meetings of the board of managers shall be open to any unit owner, except for the portion of any meeting held (i) to discuss litigation when an action against or on behalf of the particular association has been filed and is pending in a court or administrative tribunal, or when the board of managers finds that such an action is probable or imminent, (ii) to consider information regarding appointment, employment or dismissal of an employee, or (iii) to discuss violations of rules and regulations of the association or a unit owner's unpaid share of common expenses; that any vote on these matters shall be taken at a meeting or portion thereof open to any unit owner; that any unit owner may record the proceedings at meetings or portions thereof required to be open by this Act by tape, film or other means; that the board may prescribe reasonable rules and regulations to govern the right to make such recordings, that notice of such meetings shall be mailed or delivered at least 48 hours prior thereto, unless a written waiver of such notice is signed by the person or persons entitled to such notice pursuant to the declaration, bylaws, other condominium instrument, or provision of law other than this subsection before the meeting is convened, and that copies of notices of meetings of the board of managers shall be posted in entranceways, elevators, or other conspicuous places in the condominium at least 48 hours prior to the meeting of the board of managers except where there is no common entranceway for 7 or more units, the board of managers may designate one or more locations in the proximity of these units where the notices of meetings shall be posted;

(10) that the board shall meet at least 4 times annually;

(11) that no member of the board or officer shall be elected for a term of more than 2 years, but that officers and board members may succeed themselves;

(12) the designation of an officer to mail and receive all notices and execute amendments to condominium instruments as provided for in this Act and in the condominium instruments;

(13) the method of filling vacancies on the board which shall include authority for the remaining members of the board to fill the vacancy by two-thirds vote until the next annual meeting of unit owners or for a period terminating no later than 30 days following the filing of a petition signed by unit owners holding 20% of the votes of the association requesting a meeting of the unit owners to fill the vacancy for the balance of the term, and that a meeting of the unit owners shall be called for purposes of filling a vacancy on the board no later than 30 days following the filing of a petition signed by unit owners holding 20% of the votes of the association requesting such a meeting, and the method of filling vacancies among the officers that shall include the authority for the members of the board to fill the vacancy for the unexpired portion of the term;

(14) what percentage of the board of managers, if other than a majority, shall constitute a quorum;

(15) provisions concerning notice of board meetings to members of the board;

(16) the board of managers may not enter into a contract with a current board member or with a corporation or partnership in which a board member or a member of the board member's immediate family has 25% or more interest, unless notice of intent to enter the contract is given to unit owners within 20 days after a decision is made to enter into the contract and the unit owners are afforded an opportunity by filing a petition, signed by 20% of the unit owners, for an election to approve or disapprove the contract; such petition shall be filed within 20 days after such notice and such election shall be held within 30 days after filing the petition; for purposes of this subsection, a board member's immediate family means the board member's spouse, parents, and children;

(17) that the board of managers may disseminate to unit owners biographical and background information about candidates for election to the board if (i) reasonable efforts to identify all

candidates are made and all candidates are given an opportunity to include biographical and background information in the information to be disseminated; and (ii) the board does not express a preference in favor of any candidate;

(18) any proxy distributed for board elections by the board of managers gives unit owners the opportunity to designate any person as the proxy holder, and gives the unit owner the opportunity to express a preference for any of the known candidates for the board or to write in a name;

(19) that special meetings of the board of managers can be called by the president or 25% of the members of the board; and

(20) that the board of managers may establish and maintain a system of master metering of public utility services and collect payments in connection therewith, subject to the requirements of the Tenant Utility Payment Disclosure Act.

(b) (1) What percentage of the unit owners, if other than 20%, shall constitute a quorum provided that, for condominiums with 20 or more units, the percentage of unit owners constituting a quorum shall be 20% unless the unit owners holding a majority of the percentage interest in the association provide for a higher percentage;

(2) that the association shall have one class of membership;

(3) that the members shall hold an annual meeting, one of the purposes of which shall be to elect members of the board of managers;

(4) the method of calling meetings of the unit owners;

(5) that special meetings of the members can be called by the president, board of managers, or by 20% of unit owners;

(6) that written notice of any membership meeting shall be mailed or delivered giving members no less than 10 and no more than 30 days notice of the time, place and purpose of such meeting;

(7) that voting shall be on a percentage basis, and that the percentage vote to which each unit is entitled is the percentage interest of the undivided ownership of the common elements appurtenant thereto, provided that the bylaws may provide for approval by unit owners in connection with matters where the requisite approval on a percentage basis is not specified in this Act, on the basis of one vote per unit;

(8) that, where there is more than one owner of a unit, if only one of the multiple owners is present at a meeting of the association, he is entitled to cast all the votes allocated to that unit, if more than one of the multiple owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the multiple owners, unless the declaration expressly provides otherwise, that there is majority agreement if any one of the multiple owners cast the votes allocated to that unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit;

(9)(A) that unless the Articles of Incorporation or the bylaws otherwise provide, and except as provided in subparagraph (B) of this paragraph (9) in connection with board elections, a unit owner may vote by proxy executed in writing by the unit owner or by his duly authorized attorney in fact; that the proxy must bear the date of execution and, unless the condominium instruments or the written proxy itself provide otherwise, is invalid after 11 months from the date of its execution;

(B) that if a rule adopted at least 120 days before a board election or the declaration or bylaws provide for balloting as set forth in this subsection, unit owners may not vote by proxy in board elections, but may vote only (i) by submitting an association-issued ballot in person at the election meeting or (ii) by submitting an association-issued ballot to the association or its designated agent by mail or other means of delivery specified in the declaration, bylaws, or rule; that the ballots shall be mailed or otherwise distributed to unit owners not less than 10 and not more than 30 days before the election meeting, and the board shall give unit owners not less than 21 days' prior written notice of the deadline for inclusion of a candidate's name on the ballots; that the deadline shall be no more than 7 days before the ballots are mailed or otherwise distributed to unit owners; that every such ballot must include the names of all candidates who have given the board or its authorized agent timely written notice of their candidacy and must give the person casting the ballot the opportunity to cast votes for candidates whose names do not appear on the ballot; that a ballot received by the association or its designated agent after the close of voting shall not be counted; that a unit owner who submits a ballot by mail or other means of delivery specified in the declaration, bylaws, or rule may request and cast a ballot in person at the election meeting, and thereby void any ballot previously submitted by that unit owner;

(C) that if a written petition by unit owners with at least 20% of the votes of the

association is delivered to the board within 14 days after the board's approval of a rule adopted pursuant to subparagraph (B) of this paragraph (9), the board shall call a meeting of the unit owners within 30 days after the date of delivery of the petition; that unless a majority of the total votes of the unit owners are cast at the meeting to reject the rule, the rule is ratified;

(10) that the association may, upon adoption of the appropriate rules by the board of managers, conduct elections by secret ballot whereby the voting ballot is marked only with the percentage interest for the unit and the vote itself, provided that the board further adopt rules to verify the status of the unit owner issuing a proxy or casting a ballot; and further, that a candidate for election to the board of managers or such candidate's representative shall have the right to be present at the counting of ballots at such election;

(11) that in the event of a resale of a condominium unit the purchaser of a unit from a seller other than the developer pursuant to an installment contract for purchase shall during such times as he or she resides in the unit be counted toward a quorum for purposes of election of members of the board of managers at any meeting of the unit owners called for purposes of electing members of the board, shall have the right to vote for the election of members of the board of managers and to be elected to and serve on the board of managers unless the seller expressly retains in writing any or all of such rights. In no event may the seller and purchaser both be counted toward a quorum, be permitted to vote for a particular office or be elected and serve on the board. Satisfactory evidence of the installment contact shall be made available to the association or its agents. For purposes of this subsection, "installment contact" shall have the same meaning as set forth in Section 1 (e) of "An Act relating to installment contracts to sell dwelling structures", approved August 11, 1967, as amended;

(12) the method by which matters subject to the approval of unit owners set forth in this Act, or in the condominium instruments, will be submitted to the unit owners at special membership meetings called for such purposes; and

(13) that matters subject to the affirmative vote of not less than 2/3 of the votes of unit owners at a meeting duly called for that purpose, shall include, but not be limited to:

- (i) merger or consolidation of the association;
- (ii) sale, lease, exchange, or other disposition (excluding the mortgage or pledge) of all, or substantially all of the property and assets of the association; and
- (iii) the purchase or sale of land or of units on behalf of all unit owners.

(c) Election of a president from among the board of managers, who shall preside over the meetings of the board of managers and of the unit owners.

(d) Election of a secretary from among the board of managers, who shall keep the minutes of all meetings of the board of managers and of the unit owners and who shall, in general, perform all the duties incident to the office of secretary.

(e) Election of a treasurer from among the board of managers, who shall keep the financial records and books of account.

(f) Maintenance, repair and replacement of the common elements and payments therefor, including the method of approving payment vouchers.

(g) An association with 30 or more units shall obtain and maintain fidelity insurance covering persons who control or disburse funds of the association for the maximum amount of coverage available to protect funds in the custody or control of the association plus the association reserve fund. All management companies which are responsible for the funds held or administered by the association shall maintain and furnish to the association a fidelity bond for the maximum amount of coverage available to protect funds in the custody of the management company at any time. The association shall bear the cost of the fidelity insurance and fidelity bond, unless otherwise provided by contract between the association and a management company. The association shall be the direct obligee of any such fidelity bond. A management company holding reserve funds of an association shall at all times maintain a separate account for each association, provided, however, that for investment purposes, the Board of Managers of an association may authorize a management company to maintain the association's reserve funds in a single interest bearing account with similar funds of other associations. The management company shall at all times maintain records identifying all moneys of each association in such investment account. The management company may hold all operating funds of associations which it manages in a single operating account but shall at all times maintain records identifying all moneys of each association in such operating account. Such operating and reserve funds held by the management company for the association shall not be subject to attachment by any creditor of the management company.

For the purpose of this subsection a management company shall be defined as a person, partnership,

corporation, or other legal entity entitled to transact business on behalf of others, acting on behalf of or as an agent for a unit owner, unit owners or association of unit owners for the purpose of carrying out the duties, responsibilities, and other obligations necessary for the day to day operation and management of any property subject to this Act. For purposes of this subsection, the term "fiduciary insurance coverage" shall be defined as both a fidelity bond and directors and officers liability coverage, the fidelity bond in the full amount of association funds and association reserves that will be in the custody of the association, and the directors and officers liability coverage at a level as shall be determined to be reasonable by the board of managers, if not otherwise established by the declaration or by laws.

Until one year after the effective date of this amendatory Act of 1985, if a condominium association has reserves plus assessments in excess of \$250,000 and cannot reasonably obtain 100% fidelity bond coverage for such amount, then it must obtain a fidelity bond coverage of \$250,000.

(h) Method of estimating the amount of the annual budget, and the manner of assessing and collecting from the unit owners their respective shares of such estimated expenses, and of any other expenses lawfully agreed upon.

(i) That upon 10 days notice to the manager or board of managers and payment of a reasonable fee, any unit owner shall be furnished a statement of his account setting forth the amount of any unpaid assessments or other charges due and owing from such owner.

(j) Designation and removal of personnel necessary for the maintenance, repair and replacement of the common elements.

(k) Such restrictions on and requirements respecting the use and maintenance of the units and the use of the common elements, not set forth in the declaration, as are designed to prevent unreasonable interference with the use of their respective units and of the common elements by the several unit owners.

(l) Method of adopting and of amending administrative rules and regulations governing the operation and use of the common elements.

(m) The percentage of votes required to modify or amend the bylaws, but each one of the particulars set forth in this section shall always be embodied in the bylaws.

(n) (i) The provisions of this Act, the declaration, bylaws, other condominium instruments, and rules and regulations that relate to the use of the individual unit or the common elements shall be applicable to any person leasing a unit and shall be deemed to be incorporated in any lease executed or renewed on or after the effective date of this amendatory Act of 1984. (ii) With regard to any lease entered into subsequent to the effective date of this amendatory Act of 1989, the unit owner leasing the unit shall deliver a copy of the signed lease to the board or if the lease is oral, a memorandum of the lease, not later than the date of occupancy or 10 days after the lease is signed, whichever occurs first. In addition to any other remedies, by filing an action jointly against the tenant and the unit owner, an association may seek to enjoin a tenant from occupying a unit or seek to evict a tenant under the provisions of Article IX of the Code of Civil Procedure for failure of the lessor-owner to comply with the leasing requirements prescribed by this Section or by the declaration, bylaws, and rules and regulations. The board of managers may proceed directly against a tenant, at law or in equity, or under the provisions of Article IX of the Code of Civil Procedure, for any other breach by tenant of any covenants, rules, regulations or bylaws.

(o) The association shall have no authority to forbear the payment of assessments by any unit owner.

(p) That when 30% or fewer of the units, by number, possess over 50% in the aggregate of the votes in the association, any percentage vote of members specified herein or in the condominium instruments shall require the specified percentage by number of units rather than by percentage of interest in the common elements allocated to units that would otherwise be applicable.

(q) That a unit owner may not assign, delegate, transfer, surrender, or avoid the duties, responsibilities, and liabilities of a unit owner under this Act, the condominium instruments, or the rules and regulations of the Association; and that such an attempted assignment, delegation, transfer, surrender, or avoidance shall be deemed void.

The provisions of this Section are applicable to all condominium instruments recorded under this Act. Any portion of a condominium instrument which contains provisions contrary to these provisions shall be void as against public policy and ineffective. Any such instrument which fails to contain the provisions required by this Section shall be deemed to incorporate such provisions by operation of law.

(Source: P.A. 93-243, eff. 1-1-04.)

(Text of Section after amendment by P.A. 95-624)

Sec. 18. Contents of bylaws. The bylaws shall provide for at least the following:

(a) (1) The election from among the unit owners of a board of managers, the number of persons constituting such board, and that the terms of at least one-third of the members of the board shall

expire annually and that all members of the board shall be elected at large. If there are multiple owners of a single unit, only one of the multiple owners shall be eligible to serve as a member of the board at any one time.

(2) the powers and duties of the board;

(3) the compensation, if any, of the members of the board;

(4) the method of removal from office of members of the board;

(5) that the board may engage the services of a manager or managing agent;

(6) that each unit owner shall receive, at least 30 days prior to the adoption thereof

by the board of managers, a copy of the proposed annual budget together with an indication of which portions are intended for reserves, capital expenditures or repairs or payment of real estate taxes;

(7) that the board of managers shall annually supply to all unit owners an itemized accounting of the common expenses for the preceding year actually incurred or paid, together with an indication of which portions were for reserves, capital expenditures or repairs or payment of real estate taxes and with a tabulation of the amounts collected pursuant to the budget or assessment, and showing the net excess or deficit of income over expenditures plus reserves;

(8) (i) that each unit owner shall receive notice, in the same manner as is provided in this Act for membership meetings, of any meeting of the board of managers concerning the adoption of the proposed annual budget and regular assessments pursuant thereto or to adopt a separate (special) assessment, (ii) that except as provided in subsection (iv) below, if an adopted budget or any separate assessment adopted by the board would result in the sum of all regular and separate assessments payable in the current fiscal year exceeding 115% of the sum of all regular and separate assessments payable during the preceding fiscal year, the board of managers, upon written petition by unit owners with 20 percent of the votes of the association delivered to the board within 14 days of the board action, shall call a meeting of the unit owners within 30 days of the date of delivery of the petition to consider the budget or separate assessment; unless a majority of the total votes of the unit owners are cast at the meeting to reject the budget or separate assessment, it is ratified, (iii) that any common expense not set forth in the budget or any increase in assessments over the amount adopted in the budget shall be separately assessed against all unit owners, (iv) that separate assessments for expenditures relating to emergencies or mandated by law may be adopted by the board of managers without being subject to unit owner approval or the provisions of item (ii) above or item (v) below. As used herein, "emergency" means an immediate danger to the structural integrity of the common elements or to the life, health, safety or property of the unit owners, (v) that assessments for additions and alterations to the common elements or to association-owned property not included in the adopted annual budget, shall be separately assessed and are subject to approval of two-thirds of the total votes of all unit owners, (vi) that the board of managers may adopt separate assessments payable over more than one fiscal year. With respect to multi-year assessments not governed by items (iv) and (v), the entire amount of the multi-year assessment shall be deemed considered and authorized in the first fiscal year in which the assessment is approved;

(9) that meetings of the board of managers shall be open to any unit owner, except for the portion of any meeting held (i) to discuss litigation when an action against or on behalf of the particular association has been filed and is pending in a court or administrative tribunal, or when the board of managers finds that such an action is probable or imminent, (ii) to consider information regarding appointment, employment or dismissal of an employee, or (iii) to discuss violations of rules and regulations of the association or a unit owner's unpaid share of common expenses; that any vote on these matters shall be taken at a meeting or portion thereof open to any unit owner; that any unit owner may record the proceedings at meetings or portions thereof required to be open by this Act by tape, film or other means; that the board may prescribe reasonable rules and regulations to govern the right to make such recordings, that notice of such meetings shall be mailed or delivered at least 48 hours prior thereto, unless a written waiver of such notice is signed by the person or persons entitled to such notice pursuant to the declaration, bylaws, other condominium instrument, or provision of law other than this subsection before the meeting is convened, and that copies of notices of meetings of the board of managers shall be posted in entranceways, elevators, or other conspicuous places in the condominium at least 48 hours prior to the meeting of the board of managers except where there is no common entranceway for 7 or more units, the board of managers may designate one or more locations in the proximity of these units where the notices of meetings shall be posted;

(10) that the board shall meet at least 4 times annually;

(11) that no member of the board or officer shall be elected for a term of more than 2 years, but that officers and board members may succeed themselves;

(12) the designation of an officer to mail and receive all notices and execute amendments to condominium instruments as provided for in this Act and in the condominium instruments;

(13) the method of filling vacancies on the board which shall include authority for the remaining members of the board to fill the vacancy by two-thirds vote until the next annual meeting of unit owners or for a period terminating no later than 30 days following the filing of a petition signed by unit owners holding 20% of the votes of the association requesting a meeting of the unit owners to fill the vacancy for the balance of the term, and that a meeting of the unit owners shall be called for purposes of filling a vacancy on the board no later than 30 days following the filing of a petition signed by unit owners holding 20% of the votes of the association requesting such a meeting, and the method of filling vacancies among the officers that shall include the authority for the members of the board to fill the vacancy for the unexpired portion of the term;

(14) what percentage of the board of managers, if other than a majority, shall constitute a quorum;

(15) provisions concerning notice of board meetings to members of the board;

(16) the board of managers may not enter into a contract with a current board member or with a corporation or partnership in which a board member or a member of the board member's immediate family has 25% or more interest, unless notice of intent to enter the contract is given to unit owners within 20 days after a decision is made to enter into the contract and the unit owners are afforded an opportunity by filing a petition, signed by 20% of the unit owners, for an election to approve or disapprove the contract; such petition shall be filed within 20 days after such notice and such election shall be held within 30 days after filing the petition; for purposes of this subsection, a board member's immediate family means the board member's spouse, parents, and children;

(17) that the board of managers may disseminate to unit owners biographical and background information about candidates for election to the board if (i) reasonable efforts to identify all candidates are made and all candidates are given an opportunity to include biographical and background information in the information to be disseminated; and (ii) the board does not express a preference in favor of any candidate;

(18) any proxy distributed for board elections by the board of managers gives unit owners the opportunity to designate any person as the proxy holder, and gives the unit owner the opportunity to express a preference for any of the known candidates for the board or to write in a name;

(19) that special meetings of the board of managers can be called by the president or 25% of the members of the board; and

(20) that the board of managers may establish and maintain a system of master metering of public utility services and collect payments in connection therewith, subject to the requirements of the Tenant Utility Payment Disclosure Act.

(b) (1) What percentage of the unit owners, if other than 20%, shall constitute a quorum provided that, for condominiums with 20 or more units, the percentage of unit owners constituting a quorum shall be 20% unless the unit owners holding a majority of the percentage interest in the association provide for a higher percentage;

(2) that the association shall have one class of membership;

(3) that the members shall hold an annual meeting, one of the purposes of which shall be to elect members of the board of managers;

(4) the method of calling meetings of the unit owners;

(5) that special meetings of the members can be called by the president, board of managers, or by 20% of unit owners;

(6) that written notice of any membership meeting shall be mailed or delivered giving members no less than 10 and no more than 30 days notice of the time, place and purpose of such meeting;

(7) that voting shall be on a percentage basis, and that the percentage vote to which each unit is entitled is the percentage interest of the undivided ownership of the common elements appurtenant thereto, provided that the bylaws may provide for approval by unit owners in connection with matters where the requisite approval on a percentage basis is not specified in this Act, on the basis of one vote per unit;

(8) that, where there is more than one owner of a unit, if only one of the multiple owners is present at a meeting of the association, he is entitled to cast all the votes allocated to that unit, if more than one of the multiple owners are present, the votes allocated to that unit may be cast only in

accordance with the agreement of a majority in interest of the multiple owners, unless the declaration expressly provides otherwise, that there is majority agreement if any one of the multiple owners cast the votes allocated to that unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit;

(9)(A) that unless the Articles of Incorporation or the bylaws otherwise provide, and except as provided in subparagraph (B) of this paragraph (9) in connection with board elections, a unit owner may vote by proxy executed in writing by the unit owner or by his duly authorized attorney in fact; that the proxy must bear the date of execution and, unless the condominium instruments or the written proxy itself provide otherwise, is invalid after 11 months from the date of its execution;

(B) that if a rule adopted at least 120 days before a board election or the declaration or bylaws provide for balloting as set forth in this subsection, unit owners may not vote by proxy in board elections, but may vote only (i) by submitting an association-issued ballot in person at the election meeting or (ii) by submitting an association-issued ballot to the association or its designated agent by mail or other means of delivery specified in the declaration, bylaws, or rule; that the ballots shall be mailed or otherwise distributed to unit owners not less than 10 and not more than 30 days before the election meeting, and the board shall give unit owners not less than 21 days' prior written notice of the deadline for inclusion of a candidate's name on the ballots; that the deadline shall be no more than 7 days before the ballots are mailed or otherwise distributed to unit owners; that every such ballot must include the names of all candidates who have given the board or its authorized agent timely written notice of their candidacy and must give the person casting the ballot the opportunity to cast votes for candidates whose names do not appear on the ballot; that a ballot received by the association or its designated agent after the close of voting shall not be counted; that a unit owner who submits a ballot by mail or other means of delivery specified in the declaration, bylaws, or rule may request and cast a ballot in person at the election meeting, and thereby void any ballot previously submitted by that unit owner;

(C) that if a written petition by unit owners with at least 20% of the votes of the association is delivered to the board within 14 days after the board's approval of a rule adopted pursuant to subparagraph (B) of this paragraph (9), the board shall call a meeting of the unit owners within 30 days after the date of delivery of the petition; that unless a majority of the total votes of the unit owners are cast at the meeting to reject the rule, the rule is ratified;

(10) that the association may, upon adoption of the appropriate rules by the board of managers, conduct elections by secret ballot whereby the voting ballot is marked only with the percentage interest for the unit and the vote itself, provided that the board further adopt rules to verify the status of the unit owner issuing a proxy or casting a ballot; and further, that a candidate for election to the board of managers or such candidate's representative shall have the right to be present at the counting of ballots at such election;

(11) that in the event of a resale of a condominium unit the purchaser of a unit from a seller other than the developer pursuant to an installment contract for purchase shall during such times as he or she resides in the unit be counted toward a quorum for purposes of election of members of the board of managers at any meeting of the unit owners called for purposes of electing members of the board, shall have the right to vote for the election of members of the board of managers and to be elected to and serve on the board of managers unless the seller expressly retains in writing any or all of such rights. In no event may the seller and purchaser both be counted toward a quorum, be permitted to vote for a particular office or be elected and serve on the board. Satisfactory evidence of the installment contract shall be made available to the association or its agents. For purposes of this subsection, "installment contract" shall have the same meaning as set forth in Section 1 (e) of "An Act relating to installment contracts to sell dwelling structures", approved August 11, 1967, as amended;

(12) the method by which matters subject to the approval of unit owners set forth in this Act, or in the condominium instruments, will be submitted to the unit owners at special membership meetings called for such purposes; and

(13) that matters subject to the affirmative vote of not less than 2/3 of the votes of unit owners at a meeting duly called for that purpose, shall include, but not be limited to:

- (i) merger or consolidation of the association;
- (ii) sale, lease, exchange, or other disposition (excluding the mortgage or pledge) of all, or substantially all of the property and assets of the association; and
- (iii) the purchase or sale of land or of units on behalf of all unit owners.

(c) Election of a president from among the board of managers, who shall preside over the meetings of the board of managers and of the unit owners.

(d) Election of a secretary from among the board of managers, who shall keep the minutes of all meetings of the board of managers and of the unit owners and who shall, in general, perform all the duties incident to the office of secretary.

(e) Election of a treasurer from among the board of managers, who shall keep the financial records and books of account.

(f) Maintenance, repair and replacement of the common elements and payments therefor, including the method of approving payment vouchers.

(g) An association with 30 or more units shall obtain and maintain fidelity insurance covering persons who control or disburse funds of the association for the maximum amount of coverage available to protect funds in the custody or control of the association plus the association reserve fund. All management companies which are responsible for the funds held or administered by the association shall maintain and furnish to the association a fidelity bond for the maximum amount of coverage available to protect funds in the custody of the management company at any time. The association shall bear the cost of the fidelity insurance and fidelity bond, unless otherwise provided by contract between the association and a management company. The association shall be the direct obligee of any such fidelity bond. A management company holding reserve funds of an association shall at all times maintain a separate account for each association, provided, however, that for investment purposes, the Board of Managers of an association may authorize a management company to maintain the association's reserve funds in a single interest bearing account with similar funds of other associations. The management company shall at all times maintain records identifying all moneys of each association in such investment account. The management company may hold all operating funds of associations which it manages in a single operating account but shall at all times maintain records identifying all moneys of each association in such operating account. Such operating and reserve funds held by the management company for the association shall not be subject to attachment by any creditor of the management company.

For the purpose of this subsection a management company shall be defined as a person, partnership, corporation, or other legal entity entitled to transact business on behalf of others, acting on behalf of or as an agent for a unit owner, unit owners or association of unit owners for the purpose of carrying out the duties, responsibilities, and other obligations necessary for the day to day operation and management of any property subject to this Act. For purposes of this subsection, the term "fiduciary insurance coverage" shall be defined as both a fidelity bond and directors and officers liability coverage, the fidelity bond in the full amount of association funds and association reserves that will be in the custody of the association, and the directors and officers liability coverage at a level as shall be determined to be reasonable by the board of managers, if not otherwise established by the declaration or by laws.

Until one year after the effective date of this amendatory Act of 1985, if a condominium association has reserves plus assessments in excess of \$250,000 and cannot reasonably obtain 100% fidelity bond coverage for such amount, then it must obtain a fidelity bond coverage of \$250,000.

(h) Method of estimating the amount of the annual budget, and the manner of assessing and collecting from the unit owners their respective shares of such estimated expenses, and of any other expenses lawfully agreed upon.

(i) That upon 10 days notice to the manager or board of managers and payment of a reasonable fee, any unit owner shall be furnished a statement of his account setting forth the amount of any unpaid assessments or other charges due and owing from such owner.

(j) Designation and removal of personnel necessary for the maintenance, repair and replacement of the common elements.

(k) Such restrictions on and requirements respecting the use and maintenance of the units and the use of the common elements, not set forth in the declaration, as are designed to prevent unreasonable interference with the use of their respective units and of the common elements by the several unit owners.

(l) Method of adopting and of amending administrative rules and regulations governing the operation and use of the common elements.

(m) The percentage of votes required to modify or amend the bylaws, but each one of the particulars set forth in this section shall always be embodied in the bylaws.

(n) (i) The provisions of this Act, the declaration, bylaws, other condominium instruments, and rules and regulations that relate to the use of the individual unit or the common elements shall be applicable to any person leasing a unit and shall be deemed to be incorporated in any lease executed or renewed on or after the effective date of this amendatory Act of 1984. (ii) With regard to any lease entered into subsequent to the effective date of this amendatory Act of 1989, the unit owner leasing the unit shall deliver a copy of the signed lease to the board or if the lease is oral, a memorandum of the lease, not later than the date of

occupancy or 10 days after the lease is signed, whichever occurs first. In addition to any other remedies, by filing an action jointly against the tenant and the unit owner, an association may seek to enjoin a tenant from occupying a unit or seek to evict a tenant under the provisions of Article IX of the Code of Civil Procedure for failure of the lessor-owner to comply with the leasing requirements prescribed by this Section or by the declaration, bylaws, and rules and regulations. However, if an association that currently permits leasing amends its declaration, bylaws, or rules and regulations, to prohibit leasing, nothing in this Act or the declarations, bylaws, rules and regulations of an association, shall prohibit a unit owner who is leasing his or her unit or units at the time of the prohibition from continuing to do so, until such time that the unit owner voluntarily sells the unit or units; and no special fines, fees, dues, or penalties shall be assessed against the unit owner for leasing his or her unit or units. The board of managers may proceed directly against a tenant, at law or in equity, or under the provisions of Article IX of the Code of Civil Procedure, for any other breach by tenant of any covenants, rules, regulations or bylaws.

(o) The association shall have no authority to forbear the payment of assessments by any unit owner.

(p) That when 30% or fewer of the units, by number, possess over 50% in the aggregate of the votes in the association, any percentage vote of members specified herein or in the condominium instruments shall require the specified percentage by number of units rather than by percentage of interest in the common elements allocated to units that would otherwise be applicable. For purposes of this subsection (p), when making a determination of whether 30% or fewer of the units, by number, possess over 50% in the aggregate of the votes in the association, a unit shall not include a garage unit or a storage unit.

(q) That a unit owner may not assign, delegate, transfer, surrender, or avoid the duties, responsibilities, and liabilities of a unit owner under this Act, the condominium instruments, or the rules and regulations of the Association; and that such an attempted assignment, delegation, transfer, surrender, or avoidance shall be deemed void.

The provisions of this Section are applicable to all condominium instruments recorded under this Act. Any portion of a condominium instrument which contains provisions contrary to these provisions shall be void as against public policy and ineffective. Any such instrument which fails to contain the provisions required by this Section shall be deemed to incorporate such provisions by operation of law.

(Source: P.A. 95-624, eff. 6-1-08.)

(765 ILCS 605/18.4) (from Ch. 30, par. 318.4)

Sec. 18.4. Powers and Duties of Board of Managers. The board of managers shall exercise for the association all powers, duties and authority vested in the association by law or the condominium instruments except for such powers, duties and authority reserved by law to the members of the association. The powers and duties of the board of managers shall include, but shall not be limited to, the following:

(a) To provide for the operation, care, upkeep, maintenance, replacement and improvement of the common elements. Nothing in this subsection (a) shall be deemed to invalidate any provision in a condominium instrument placing limits on expenditures for the common elements, provided, that such limits shall not be applicable to expenditures for repair, replacement, or restoration of existing portions of the common elements. The term "repair, replacement or restoration" means expenditures to deteriorated or damaged portions of the property related to the existing decorating, facilities, or structural or mechanical components, interior or exterior surfaces, or energy systems and equipment with the functional equivalent of the original portions of such areas. Replacement of the common elements may result in an improvement over the original quality of such elements or facilities; provided that, unless the improvement is mandated by law or is an emergency as defined in item (iv) of subparagraph (8) of paragraph (a) of Section 18, if the improvement results in a proposed expenditure exceeding 5% of the annual budget, the board of managers, upon written petition by unit owners with 20% of the votes of the association delivered to the board within 14 days of the board action to approve the expenditure, shall call a meeting of the unit owners within 30 days of the date of delivery of the petition to consider the expenditure. Unless a majority of the total votes of the unit owners are cast at the meeting to reject the expenditure, it is ratified.

(b) To prepare, adopt and distribute the annual budget for the property.

(c) To levy and expend assessments.

(d) To collect assessments from unit owners.

(e) To provide for the employment and dismissal of the personnel necessary or advisable for the maintenance and operation of the common elements.

(f) To obtain adequate and appropriate kinds of insurance.

(g) To own, convey, encumber, lease, and otherwise deal with units conveyed to or purchased by it.

(h) To adopt and amend rules and regulations covering the details of the operation and use of the property, after a meeting of the unit owners called for the specific purpose of discussing the proposed rules and regulations. Notice of the meeting shall contain the full text of the proposed rules and regulations, and the meeting shall conform to the requirements of Section 18(b) of this Act, except that no quorum is required at the meeting of the unit owners unless the declaration, bylaws or other condominium instrument expressly provides to the contrary. However, no rule or regulation may impair any rights guaranteed by the First Amendment to the Constitution of the United States or Section 4 of Article I of the Illinois Constitution including, but not limited to, the free exercise of religion, nor may any rules or regulations conflict with the provisions of this Act or the condominium instruments. No rule or regulation shall prohibit any reasonable accommodation for religious practices, including the attachment of religiously mandated objects to the front-door area of a condominium unit. However, if an association that currently permits leasing amends its declaration, bylaws, or rules and regulations, to prohibit leasing, nothing in this Act or the declarations, bylaws, rules and regulations of an association, shall prohibit a unit owner who is leasing his or her unit or units at the time of the prohibition from continuing to do so, until such time that the unit owner voluntarily sells the unit or units; and no special fines, fees, dues, or penalties shall be assessed against the unit owner for leasing his or her unit or units.

(i) To keep detailed, accurate records of the receipts and expenditures affecting the use and operation of the property.

(j) To have access to each unit from time to time as may be necessary for the maintenance, repair or replacement of any common elements or for making emergency repairs necessary to prevent damage to the common elements or to other units.

(k) To pay real property taxes, special assessments, and any other special taxes or charges of the State of Illinois or of any political subdivision thereof, or other lawful taxing or assessing body, which are authorized by law to be assessed and levied upon the real property of the condominium.

(l) To impose charges for late payment of a unit owner's proportionate share of the common expenses, or any other expenses lawfully agreed upon, and after notice and an opportunity to be heard, to levy reasonable fines for violation of the declaration, by-laws, and rules and regulations of the association.

(m) Unless the condominium instruments expressly provide to the contrary, by a majority vote of the entire board of managers, to assign the right of the association to future income from common expenses or other sources, and to mortgage or pledge substantially all of the remaining assets of the association.

(n) To record the dedication of a portion of the common elements to a public body for use as, or in connection with, a street or utility where authorized by the unit owners under the provisions of Section 14.2.

(o) To record the granting of an easement for the laying of cable television cable where authorized by the unit owners under the provisions of Section 14.3; to obtain, if available and determined by the board to be in the best interests of the association, cable television service for all of the units of the condominium on a bulk identical service and equal cost per unit basis; and to assess and recover the expense as a common expense and, if so determined by the board, to assess each and every unit on the same equal cost per unit basis.

(p) To seek relief on behalf of all unit owners when authorized pursuant to subsection (c) of Section 10 from or in connection with the assessment or levying of real property taxes, special assessments, and any other special taxes or changes of the State of Illinois or of any political subdivision thereof or of any lawful taxing or assessing body.

(q) To reasonably accommodate the needs of a handicapped unit owner as required by the federal Civil Rights Act of 1968, the Human Rights Act and any applicable local ordinances in the exercise of its powers with respect to the use of common elements or approval of modifications in an individual unit.

(r) To accept service of a notice of claim for purposes of the Mechanics Lien Act on behalf of each respective member of the Unit Owners' Association with respect to improvements performed pursuant to any contract entered into by the Board of Managers or any contract entered into prior to the recording of the condominium declaration pursuant to this Act, for a property containing more than 8 units, and to distribute the notice to the unit owners within 7 days of the acceptance of the service by the Board of Managers. The service shall be effective as if each individual unit owner had been served individually with notice.

In the performance of their duties, the officers and members of the board, whether appointed by the

developer or elected by the unit owners, shall exercise the care required of a fiduciary of the unit owners.

The collection of assessments from unit owners by an association, board of managers or their duly authorized agents shall not be considered acts constituting a collection agency for purposes of the Collection Agency Act.

The provisions of this Section are applicable to all condominium instruments recorded under this Act. Any portion of a condominium instrument which contains provisions contrary to these provisions shall be void as against public policy and ineffective. Any such instrument that fails to contain the provisions required by this Section shall be deemed to incorporate such provisions by operation of law.

(Source: P.A. 94-384, eff. 1-1-06; 94-729, eff. 1-1-07.)

Section 10. The General Not For Profit Corporation Act of 1986 is amended by adding Section 103.35 as follows:

(805 ILCS 105/103.35 new)

Sec. 103.35. Leasing units.

(a) If a common interest community or homeowners' association's that currently permits leasing amends its declaration, covenants, bylaws, rules, regulations, or any other instruments, to prohibit leasing, nothing in this Act, or a common interest community or homeowners' association's declaration, covenants, bylaws, rules, regulations, or any other instruments, shall prohibit a unit owner who is leasing his or her unit or units at the time of the prohibition from continuing to do so, until such time that the unit owner voluntarily sells the unit or units; and no special fines, fees, dues, or penalties shall be assessed against the unit owner for leasing his or her unit or units.

(b) As used in this Section:

"Homeowners' association" includes a property owners' association, townhome association, and any similar entity, and "homeowner" includes a townhome owner.

"Common interest community" means the definition provided in subsection (c) of Section 9-102 of the Code of Civil Procedure.

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 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.

HOUSE BILL 5204. Having been reproduced, was taken up and read by title a second time.

Representative Phelps offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 5204 by replacing everything after the enacting clause with the following:

"Section 5. The Auction License Act is amended by changing Section 10-1 as follows:

(225 ILCS 407/10-1)

(Text of Section after amendment by P.A. 95-572)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-1. Necessity of license; exemptions.

(a) It is unlawful for any person, corporation, limited liability company, partnership, or other entity to conduct an auction, provide an auction service, hold himself or herself out as an auctioneer, or advertise his or her services as an auctioneer in the State of Illinois without a license issued by the Department under this Act, except at:

- (1) an auction conducted solely by or for a not-for-profit organization for charitable purposes;
- (2) an auction conducted by the owner of the property, real or personal;
- (3) an auction for the sale or lease of real property conducted by a licensee under the Real Estate License Act, or its successor Acts, in accordance with the terms of that Act;
- (4) an auction conducted by a business registered as a market agency under the federal

Packers and Stockyards Act (7 U.S.C. 181 et seq.) or under the Livestock Auction Market Law;

(5) an auction conducted by an agent, officer, or employee of a federal agency in the conduct of his or her official duties; and

(6) an auction conducted by an agent, officer, or employee of the State government or any political subdivision thereof performing his or her official duties.

(b) Nothing in this Act shall be construed to apply to a new or used vehicle dealer or a vehicle auctioneer licensed by the Secretary of State of Illinois, or to any employee of the licensee, who is a resident of the State of Illinois, while the employee is acting in the regular scope of his or her employment for the licensee while conducting an auction that is not open to the public, provided that only new or used vehicle dealers, rebuilders, automotive parts recyclers, scrap processors licensed by the Secretary of State, or out-of-state salvage vehicle buyers licensed ~~in by the Secretary of State or licensed by another state or jurisdiction~~ may buy property at the auction, or to sales by or through the licensee.

(c) Nothing in this Act shall be construed to prohibit a person under the age of 18 from selling property under \$250 in value while under the direct supervision of a licensed auctioneer.

(d) Nothing in this Act, except Section 10-27, shall be construed to apply to a person while providing an Internet auction listing service as defined in Section 10-27.

(Source: P.A. 95-572, eff. 6-1-08.)

Section 10. The Illinois Vehicle Code is amended by changing Sections 1-154.7, 3-117.1, 3-118, 5-102, 5-302, 5-403, and 5-702 as follows:

(625 ILCS 5/1-154.7)

Sec. 1-154.7. Out-of-state salvage vehicle buyer. A person who is licensed in another state or jurisdiction and acquires salvage or junk vehicles ~~state~~ for the primary purpose of ~~acquiring salvage vehicles and who is issued an out of state salvage vehicle buyer's identification card in this State for the sole purpose of acquiring salvage vehicles and~~ taking them out of state.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

Sec. 3-117.1. When junking certificates or salvage certificates must be obtained.

(a) Except as provided in Chapter 4 of this Code, a person who possesses a junk vehicle shall within 15 days cause the certificate of title, salvage certificate, certificate of purchase, or a similarly acceptable out of state document of ownership to be surrendered to the Secretary of State along with an application for a junking certificate, except as provided in Section 3-117.2, whereupon the Secretary of State shall issue to such a person a junking certificate, which shall authorize the holder thereof to possess, transport, or, by an endorsement, transfer ownership in such junked vehicle, and a certificate of title shall not again be issued for such vehicle.

A licensee who possesses a junk vehicle and a Certificate of Title, Salvage Certificate, Certificate of Purchase, or a similarly acceptable out-of-state document of ownership for such junk vehicle, may transport the junk vehicle to another licensee prior to applying for or obtaining a junking certificate, by executing a uniform invoice. The licensee transferor shall furnish a copy of the uniform invoice to the licensee transferee at the time of transfer. In any case, the licensee transferor shall apply for a junking certificate in conformance with Section 3-117.1 of this Chapter. The following information shall be contained on a uniform invoice:

(1) The business name, address and dealer license number of the person disposing of the vehicle, junk vehicle or vehicle cowl;

(2) The name and address of the person acquiring the vehicle, junk vehicle or vehicle cowl, and if that person is a dealer, the Illinois or out-of-state dealer license number of that dealer;

(3) The date of the disposition of the vehicle, junk vehicle or vehicle cowl;

(4) The year, make, model, color and description of each vehicle, junk vehicle or vehicle cowl disposed of by such person;

(5) The manufacturer's vehicle identification number, Secretary of State identification number or Illinois Department of State Police number, for each vehicle, junk vehicle or vehicle cowl part disposed of by such person;

(6) The printed name and legible signature of the person or agent disposing of the vehicle, junk vehicle or vehicle cowl; and

(7) The printed name and legible signature of the person accepting delivery of the vehicle, junk vehicle or vehicle cowl.

The Secretary of State may certify a junking manifest in a form prescribed by the Secretary of State that reflects those vehicles for which junking certificates have been applied or issued. A junking manifest may

be issued to any person and it shall constitute evidence of ownership for the vehicle listed upon it. A junking manifest may be transferred only to a person licensed under Section 5-301 of this Code as a scrap processor. A junking manifest will allow the transportation of those vehicles to a scrap processor prior to receiving the junk certificate from the Secretary of State.

(b) An application for a salvage certificate shall be submitted to the Secretary of State in any of the following situations:

(1) When an insurance company makes a payment of damages on a total loss claim for a vehicle, the insurance company shall be deemed to be the owner of such vehicle and the vehicle shall be considered to be salvage except that ownership of (i) a vehicle that has incurred only hail damage that does not affect the operational safety of the vehicle or (ii) any vehicle 9 model years of age or older may, by agreement between the registered owner and the insurance company, be retained by the registered owner of such vehicle. The insurance company shall promptly deliver or mail within 20 days the certificate of title along with proper application and fee to the Secretary of State, and a salvage certificate shall be issued in the name of the insurance company. Notwithstanding the foregoing, an insurer making payment of damages on a total loss claim for the theft of a vehicle shall not be required to apply for a salvage certificate unless the vehicle is recovered and has incurred damage that initially would have caused the vehicle to be declared a total loss by the insurer. An insurer making payment of damages on a total loss claim for the theft of a vehicle may exchange the salvage certificate for a certificate of title if the vehicle is recovered without damage. In such a situation, the insurer shall fill out and sign a form prescribed by the Secretary of State which contains an affirmation under penalty of perjury that the vehicle was recovered without damage and the Secretary of State may, by rule or regulation, require photographs to be submitted.

(1.1) When a vehicle of a self-insured company is to be sold in the State of Illinois and has sustained damaged by collision, fire, theft, rust corrosion, or other means so that the self-insured company determines the vehicle to be a total loss, or if the cost of repairing the damage, including labor, would be greater than 50% of its fair market value without that damage, the vehicle shall be considered salvage. The self-insured company shall promptly deliver the certificate of title along with proper application and fee to the Secretary of State, and a salvage certificate shall be issued in the name of the self-insured company. A self-insured company making payment of damages on a total loss claim for the theft of a vehicle may exchange the salvage certificate for a certificate of title if the vehicle is recovered without damage. In such a situation, the self-insured shall fill out and sign a form prescribed by the Secretary of State which contains an affirmation under penalty of perjury that the vehicle was recovered without damage and the Secretary of State may, by rule, require photographs to be submitted.

(2) When a vehicle the ownership of which has been transferred to any person through a certificate of purchase from acquisition of the vehicle at an auction, other dispositions as set forth in Sections 4-208 and 4-209 of this Code, a lien arising under Section 18a-501 of this Code, or a public sale under the Abandoned Mobile Home Act shall be deemed salvage or junk at the option of the purchaser. The person acquiring such vehicle in such manner shall promptly deliver or mail, within 20 days after the acquisition of the vehicle, the certificate of purchase, the proper application and fee, and, if the vehicle is an abandoned mobile home under the Abandoned Mobile Home Act, a certification from a local law enforcement agency that the vehicle was purchased or acquired at a public sale under the Abandoned Mobile Home Act to the Secretary of State and a salvage certificate or junking certificate shall be issued in the name of that person. The salvage certificate or junking certificate issued by the Secretary of State under this Section shall be free of any lien that existed against the vehicle prior to the time the vehicle was acquired by the applicant under this Code.

(3) A vehicle which has been repossessed by a lienholder shall be considered to be salvage only when the repossessed vehicle, on the date of repossession by the lienholder, has sustained damage by collision, fire, theft, rust corrosion, or other means so that the cost of repairing such damage, including labor, would be greater than 33 1/3% of its fair market value without such damage. If the lienholder determines that such vehicle is damaged in excess of 33 1/3% of such fair market value, the lienholder shall, before sale, transfer or assignment of the vehicle, make application for a salvage certificate, and shall submit with such application the proper fee and evidence of possession. If the facts required to be shown in subsection (f) of Section 3-114 are satisfied, the Secretary of State shall issue a salvage certificate in the name of the lienholder making the application. In any case wherein the vehicle repossessed is not damaged in excess of 33 1/3% of its fair market value, the lienholder shall comply with the requirements of subsections (f), (f-5), and (f-10) of Section 3-114, except that the affidavit of repossession made by or on behalf of the lienholder shall also contain an affirmation under penalty of

perjury that the vehicle on the date of sale is not damaged in excess of 33 1/3% of its fair market value. If the facts required to be shown in subsection (f) of Section 3-114 are satisfied, the Secretary of State shall issue a certificate of title as set forth in Section 3-116 of this Code. The Secretary of State may by rule or regulation require photographs to be submitted.

(4) A vehicle which is a part of a fleet of more than 5 commercial vehicles registered in this State or any other state or registered proportionately among several states shall be considered to be salvage when such vehicle has sustained damage by collision, fire, theft, rust, corrosion or similar means so that the cost of repairing such damage, including labor, would be greater than 33 1/3% of the fair market value of the vehicle without such damage. If the owner of a fleet vehicle desires to sell, transfer, or assign his interest in such vehicle to a person within this State other than an insurance company licensed to do business within this State, and the owner determines that such vehicle, at the time of the proposed sale, transfer or assignment is damaged in excess of 33 1/3% of its fair market value, the owner shall, before such sale, transfer or assignment, make application for a salvage certificate. The application shall contain with it evidence of possession of the vehicle. If the fleet vehicle at the time of its sale, transfer, or assignment is not damaged in excess of 33 1/3% of its fair market value, the owner shall so state in a written affirmation on a form prescribed by the Secretary of State by rule or regulation. The Secretary of State may by rule or regulation require photographs to be submitted. Upon sale, transfer or assignment of the fleet vehicle the owner shall mail the affirmation to the Secretary of State.

(5) A vehicle that has been submerged in water to the point that rising water has reached over the door sill and has entered the passenger or trunk compartment is a "flood vehicle". A flood vehicle shall be considered to be salvage only if the vehicle has sustained damage so that the cost of repairing the damage, including labor, would be greater than 33 1/3% of the fair market value of the vehicle without that damage. The salvage certificate issued under this Section shall indicate the word "flood", and the word "flood" shall be conspicuously entered on subsequent titles for the vehicle. A person who possesses or acquires a flood vehicle that is not damaged in excess of 33 1/3% of its fair market value shall make application for title in accordance with Section 3-116 of this Code, designating the vehicle as "flood" in a manner prescribed by the Secretary of State. The certificate of title issued shall indicate the word "flood", and the word "flood" shall be conspicuously entered on subsequent titles for the vehicle.

(c) Any person who without authority acquires, sells, exchanges, gives away, transfers or destroys or offers to acquire, sell, exchange, give away, transfer or destroy the certificate of title to any vehicle which is a junk or salvage vehicle shall be guilty of a Class 3 felony.

(d) Any person who knowingly fails to surrender to the Secretary of State a certificate of title, salvage certificate, certificate of purchase or a similarly acceptable out-of-state document of ownership as required under the provisions of this Section is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a subsequent offense; except that a person licensed under this Code who violates paragraph (5) of subsection (b) of this Section is guilty of a business offense and shall be fined not less than \$1,000 nor more than \$5,000 for a first offense and is guilty of a Class 4 felony for a second or subsequent violation.

(e) Any vehicle which is salvage or junk may not be driven or operated on roads and highways within this State. A violation of this subsection is a Class A misdemeanor. A salvage vehicle displaying valid special plates issued under Section 3-601(b) of this Code, which is being driven to or from an inspection conducted under Section 3-308 of this Code, is exempt from the provisions of this subsection. A salvage vehicle for which a short term permit has been issued under Section 3-307 of this Code is exempt from the provisions of this subsection for the duration of the permit.

(Source: P.A. 95-495, eff. 1-1-08.)

(625 ILCS 5/3-118) (from Ch. 95 1/2, par. 3-118)

Sec. 3-118. Application for salvage or junking certificate; contents.

(a) An application for a salvage certificate or junking certificate shall be made upon the forms prescribed by the Secretary of State and contain:

1. The name and address of the owner;
2. A description of the vehicle including, so far as the following data exists: its make, year-model, identifying number, type of body, whether new or used;
3. The date of purchase by applicant; and
4. Any further information reasonably required by the Secretary of State.

(b) The application for salvage certificate must also contain the current odometer reading and that the stated odometer reading is one of the following: actual mileage, not the actual mileage or mileage is in

excess of its mechanical limits.

(c) A salvage certificate may be assigned to any person licensed under this Act as a rebuilder, automotive parts recycler, or scrap processor, or to an out-of-state salvage vehicle buyer. A salvage certificate for a vehicle that has come from a police impoundment may be assigned to a municipal fire department. A junking certificate may be assigned to anyone. The provisions for reassignment by dealers under paragraph (a) of Section 3-113 shall apply to salvage certificates, except as provided in Section 3-117.2. A salvage certificate may be reassigned to one other person to whom a salvage certificate may be assigned pursuant to this Section licensed under this Act.

(Source: P.A. 95-301, eff. 1-1-08.)

(625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

Sec. 5-102. Used vehicle dealers must be licensed.

(a) No person, other than a licensed new vehicle dealer, shall engage in the business of selling or dealing in, on consignment or otherwise, 5 or more used vehicles of any make during the year (except house trailers as authorized by paragraph (j) of this Section and rebuilt salvage vehicles sold by their rebuilders to persons licensed under this Chapter), or act as an intermediary, agent or broker for any licensed dealer or vehicle purchaser (other than as a salesperson) or represent or advertise that he is so engaged or intends to so engage in such business unless licensed to do so by the Secretary of State under the provisions of this Section.

(b) An application for a used vehicle dealer's license shall be filed with the Secretary of State, duly verified by oath, in such form as the Secretary of State may by rule or regulation prescribe and shall contain:

1. The name and type of business organization established and additional places of business, if any, in this State.

2. If the applicant is a corporation, a list of its officers, directors, and shareholders having a ten percent or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the names and residence address of the proprietor or of each partner, member, officer, director, trustee or manager.

3. A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue. However, this requirement does not apply to a dealer who is already licensed hereunder with the Secretary of State, and who is merely applying for a renewal of his license. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that the Department has approved the applicant for registration under the Retailers' Occupation Tax Act.

4. A statement that the applicant has complied with the appropriate liability insurance requirement. A Certificate of Insurance in a solvent company authorized to do business in the State of Illinois shall be included with each application covering each location at which he proposes to act as a used vehicle dealer. The policy must provide liability coverage in the minimum amounts of \$100,000 for bodily injury to, or death of, any person, \$300,000 for bodily injury to, or death of, two or more persons in any one accident, and \$50,000 for damage to property. Such policy shall expire not sooner than December 31 of the year for which the license was issued or renewed. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was filed. Trailer and mobile home dealers are exempt from this requirement.

If the permitted user has a liability insurance policy that provides automobile liability insurance coverage of at least \$100,000 for bodily injury to or the death of any person, \$300,000 for bodily injury to or the death of any 2 or more persons in any one accident, and \$50,000 for damage to property, then the permitted user's insurer shall be the primary insurer and the dealer's insurer shall be the secondary insurer. If the permitted user does not have a liability insurance policy that provides automobile liability insurance coverage of at least \$100,000 for bodily injury to or the death of any person, \$300,000 for bodily injury to or the death of any 2 or more persons in any one accident, and \$50,000 for damage to property, or does not have any insurance at all, then the dealer's insurer shall be the primary insurer and the permitted user's insurer shall be the secondary insurer.

When a permitted user is "test driving" a used vehicle dealer's automobile, the used vehicle dealer's insurance shall be primary and the permitted user's insurance shall be secondary.

As used in this paragraph 4, a "permitted user" is a person who, with the permission of the used vehicle dealer or an employee of the used vehicle dealer, drives a vehicle owned and held for sale or lease by the used vehicle dealer which the person is considering to purchase or lease, in order to

evaluate the performance, reliability, or condition of the vehicle. The term "permitted user" also includes a person who, with the permission of the used vehicle dealer, drives a vehicle owned or held for sale or lease by the used vehicle dealer for loaner purposes while the user's vehicle is being repaired or evaluated.

As used in this paragraph 4, "test driving" occurs when a permitted user who, with the permission of the used vehicle dealer or an employee of the used vehicle dealer, drives a vehicle owned and held for sale or lease by a used vehicle dealer that the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle.

As used in this paragraph 4, "loaner purposes" means when a person who, with the permission of the used vehicle dealer, drives a vehicle owned or held for sale or lease by the used vehicle dealer while the user's vehicle is being repaired or evaluated.

5. An application for a used vehicle dealer's license shall be accompanied by the following license fees:

\$1,000 for applicant's established place of business, and \$50 for each additional place of business, if any, to which the application pertains; however, if the application is made after June 15 of any year, the license fee shall be \$500 for applicant's established place of business plus \$25 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State. Of the money received by the Secretary of State as license fees under this Section for the 2004 licensing year and thereafter, 95% shall be deposited into the General Revenue Fund.

6. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in the past 3 years any one violation as determined in any civil, criminal or administrative proceedings of any one of the following Acts:

- (A) The Anti Theft Laws of the Illinois Vehicle Code;
- (B) The Certificate of Title Laws of the Illinois Vehicle Code;
- (C) The Offenses against Registration and Certificates of Title Laws of the Illinois Vehicle Code;
- (D) The Dealers, Transporters, Wreckers and Rebuilders Laws of the Illinois Vehicle Code;
- (E) Section 21-2 of the Illinois Criminal Code of 1961, Criminal Trespass to Vehicles; or
- (F) The Retailers' Occupation Tax Act.

7. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in any calendar year 3 or more violations, as determined in any civil or criminal or administrative proceedings, of any one or more of the following Acts:

- (A) The Consumer Finance Act;
- (B) The Consumer Installment Loan Act;
- (C) The Retail Installment Sales Act;
- (D) The Motor Vehicle Retail Installment Sales Act;
- (E) The Interest Act;
- (F) The Illinois Wage Assignment Act;
- (G) Part 8 of Article XII of the Code of Civil Procedure; or
- (H) The Consumer Fraud Act.

8. A bond or Certificate of Deposit in the amount of \$20,000 for each location at which the applicant intends to act as a used vehicle dealer. The bond shall be for the term of the license, or its renewal, for which application is made, and shall expire not sooner than December 31 of the year for which the license was issued or renewed. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a used vehicle dealer.

9. Such other information concerning the business of the applicant as the Secretary of State may by rule or regulation prescribe.

10. A statement that the applicant understands Chapter 1 through Chapter 5 of this Code.

(c) Any change which renders no longer accurate any information contained in any application for a used

vehicle dealer's license shall be amended within 30 days after the occurrence of each change on such form as the Secretary of State may prescribe by rule or regulation, accompanied by an amendatory fee of \$2.

(d) Anything in this Chapter to the contrary notwithstanding, no person shall be licensed as a used vehicle dealer unless such person maintains an established place of business as defined in this Chapter.

(e) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted to him under this Section. Unless the Secretary makes a determination that the application submitted to him does not conform to this Section or that grounds exist for a denial of the application under Section 5-501 of this Chapter, he must grant the applicant an original used vehicle dealer's license in writing for his established place of business and a supplemental license in writing for each additional place of business in such form as he may prescribe by rule or regulation which shall include the following:

1. The name of the person licensed;

2. If a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an unincorporated association or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee or manager;

3. In case of an original license, the established place of business of the licensee;

4. In the case of a supplemental license, the established place of business of the licensee and the additional place of business to which such supplemental license pertains.

(f) The appropriate instrument evidencing the license or a certified copy thereof, provided by the Secretary of State shall be kept posted, conspicuously, in the established place of business of the licensee and in each additional place of business, if any, maintained by such licensee.

(g) Except as provided in subsection (h) of this Section, all used vehicle dealer's licenses granted under this Section expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked or cancelled under Section 5-501 of this Chapter.

(h) A used vehicle dealer's license may be renewed upon application and payment of the fee required herein, and submission of proof of coverage by an approved bond under the "Retailers' Occupation Tax Act" or proof that applicant is not subject to such bonding requirements, as in the case of an original license, but in case an application for the renewal of an effective license is made during the month of December, the effective license shall remain in force until the application for renewal is granted or denied by the Secretary of State.

(i) All persons licensed as a used vehicle dealer are required to furnish each purchaser of a motor vehicle:

1. A certificate of title properly assigned to the purchaser;

2. A statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title;

3. A bill of sale properly executed on behalf of such person;

4. A copy of the Uniform Invoice-transaction reporting return referred to in Section 5-402 of this Chapter;

5. In the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status; and

6. In the case of a vehicle for which the warranty has been reinstated, a copy of the warranty.

(j) A real estate broker holding a valid certificate of registration issued pursuant to "The Real Estate Brokers and Salesmen License Act" may engage in the business of selling or dealing in house trailers not his own without being licensed as a used vehicle dealer under this Section; however such broker shall maintain a record of the transaction including the following:

(1) the name and address of the buyer and seller,

(2) the date of sale,

(3) a description of the mobile home, including the vehicle identification number, make, model, and year, and

(4) the Illinois certificate of title number.

The foregoing records shall be available for inspection by any officer of the Secretary of State's Office at any reasonable hour.

(k) Except at the time of sale or repossession of the vehicle, no person licensed as a used vehicle dealer may issue any other person a newly created key to a vehicle unless the used vehicle dealer makes a copy of the driver's license or State identification card of the person requesting or obtaining the newly created key. The used vehicle dealer must retain the copy for 30 days.

A used vehicle dealer who violates this subsection (k) is guilty of a petty offense. Violation of this

subsection (k) is not cause to suspend, revoke, cancel, or deny renewal of the used vehicle dealer's license.

(l) Used vehicle dealers licensed under this Section shall provide the Secretary of State a register for the sale at auction of each salvage or junk certificate vehicle. Each register shall include the following information:

1. The year, make, model, style and color of the vehicle;
2. The vehicle's manufacturer's identification number or, if applicable, the Secretary of State or Illinois Department of State Police identification number;
3. The date of acquisition of the vehicle;
4. The name and address of the person from whom the vehicle was acquired;
5. The name and address of the person to whom any vehicle was disposed, the person's Illinois license number or if the person is an out-of-state salvage vehicle buyer, the license number from the state or jurisdiction where the buyer is licensed; and
6. The purchase price of the vehicle.

The register shall be submitted to the Secretary of State via written or electronic means within 10 calendar days from the date of the auction.

(Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03; 93-32, eff. 7-1-03.)

(625 ILCS 5/5-302) (from Ch. 95 1/2, par. 5-302)

Sec. 5-302. Out-of-state salvage vehicle buyer must be licensed. (a) ~~No person in this State shall sell or offer at auction salvage vehicles to a nonresident who is not licensed in another state or jurisdiction, has not been issued an out of state salvage vehicle buyer's ID card from the Secretary of State under this Section. To qualify for this ID card, the applicant shall submit with the application an out of state dealer license which is issued by the applicant's state and is substantially equivalent to that of a rebuilder, automotive parts recycler or scrap processor, as licensed under this Code.~~

~~(b) (Blank) Any application filed with the Secretary of State, shall be duly verified by oath, in such form as the Secretary of State may by rule or regulation prescribe.~~

~~(c) (Blank) An application for an out of state ID card shall be accompanied by a fee of \$100; provided however, that if an application is made after June 15 of any year, the ID card fee shall be \$50. Any fees shall be returnable only in the event that such application is denied by the Secretary of State.~~

~~(d) (Blank) The Secretary of State shall within a reasonable time after receipt thereof, examine an application submitted to him under this Section and unless he makes a determination that the application submitted to him does not conform with the requirements of this Section or that grounds exist for a denial of the application, as prescribed in Section 5-501 of this Chapter, grant the applicant an out of state salvage vehicle buyer's ID card.~~

~~(e) (Blank) Except as provided in subsection (f) of this Section, licenses granted under this Section shall expire by operation of law on December 31 of the calendar year for which they are granted unless revoked or cancelled under the provisions of Section 5-501 of this Chapter.~~

~~(f) (Blank) Any license granted under this Section may be renewed upon application and payment of the fee required for an original license, provided however, that where an application for the renewal of a license is made during the month of December, the license in effect at the time of application for renewal shall remain in force until such application is granted or denied by the Secretary of State.~~

~~(g) An out-of-state salvage vehicle buyer shall be subject to the inspection of records pertaining to the acquisition of salvage vehicles in this State in accordance with this Code and such rules as the Secretary of State may promulgate.~~

~~(h) (Blank) Beginning July 1, 1988, the application filed with the Secretary of State shall also contain:~~

~~1. The name and type of business organization of the applicant and his principal or other places of business;~~

~~2. If the applicant is a corporation, a list of its officers, directors, and shareholders having a 10% or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the names and residence address of the proprietor, or of each partner, member, officer, director, trustee or manager;~~

~~3. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager, or other principals in the business have not committed in the past 3 years any one violation as determined in any civil or criminal or administrative proceedings of any one of the following Acts:~~

~~(A) The "Anti Theft Laws" of the Illinois Vehicle Code;~~

~~(B) The "Certificate of Title Laws" of the Illinois Vehicle Code;~~

- (C) The "~~Offenses against Registration and Certificates of Title Laws~~" of the Illinois Vehicle Code;
- (D) The "~~Dealers, Transporters, Wreckers and Rebuilders Laws~~" of the Illinois Vehicle Code;
- (E) Section 21-2 of the Criminal Code of 1961, Criminal Trespass to Vehicles; or
- (F) The "~~Retailers Occupation Tax Act~~";

4. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in any calendar year 3 or more violations, as determined in any civil or criminal or administrative proceedings, of any one or more of the following Acts:

- (A) The "~~Consumer Finance Act~~";
- (B) The "~~Consumer Installment Loan Act~~";
- (C) The "~~Retail Installment Sales Act~~";
- (D) The "~~Motor Vehicle Retail Installment Sales Act~~";
- (E) "~~An Act in relation to the rate of interest and other charges in connection with sales on credit and the lending of money~~", approved May 24, 1879, as amended;
- (F) "~~An Act to promote the welfare of wage earners by regulating the assignment of wages, and prescribing a penalty for the violation thereof~~", approved July 1, 1935, as amended;
- (G) Part 8 of Article XII of the Code of Civil Procedure; or
- (H) The "~~Consumer Fraud Act~~"; and

5. A statement that the applicant understands Chapters 1 through 5 of this Code.

(i) ~~(Blank) Any change which renders no longer accurate any information contained in any application for a license filed with the Secretary of State shall be amended within 30 days after the occurrence of such change on such form as the Secretary of State may prescribe by rule or regulation, accompanied by an amendatory fee of \$2.~~

(Source: P.A. 86-444.)

(625 ILCS 5/5-403) (from Ch. 95 1/2, par. 5-403)

Sec. 5-403. (1) Authorized representatives of the Secretary of State including officers of the Secretary of State's Department of Police, other peace officers, and such other individuals as the Secretary may designate from time to time shall make inspections of individuals and facilities licensed or required to be licensed under Chapter 5 of the Illinois Vehicle Code for the purpose of reviewing records required to be maintained under Chapter 5 for accuracy and completeness and reviewing and examining the premises of the licensee's established or additional place of business for the purpose of determining the accuracy of the required records. Premises that may be inspected in order to determine the accuracy of the books and records required to be kept includes all premises used by the licensee to store vehicles and parts that are reflected by the required books and records.

(2) Persons having knowledge of or conducting inspections pursuant to this Chapter shall not in advance of such inspections knowingly notify a licensee or representative of a licensee of the contemplated inspection unless the Secretary or an individual designated by him for this purpose authorizes such notification. Any individual who, without authorization, knowingly violates this subparagraph shall be guilty of a Class A misdemeanor.

(3) The licensee or a representative of the licensee shall be entitled to be present during an inspection conducted pursuant to Chapter 5, however, the presence of the licensee or an authorized representative of the licensee is not a condition precedent to such an inspection.

(4) Inspection conducted pursuant to Chapter 5 may be initiated at any time that business is being conducted or work is being performed, whether or not open to the public or when the licensee or a representative of the licensee, other than a mere custodian or watchman, is present. The fact that a licensee or representative of the licensee leaves the licensed premises after an inspection has been initiated shall not require the termination of the inspection.

(5) Any inspection conducted pursuant to Chapter 5 shall not continue for more than 24 hours after initiation.

(6) In the event information comes to the attention of the individuals conducting an inspection that may give rise to the necessity of obtaining a search warrant, and in the event steps are initiated for the procurement of a search warrant, the individuals conducting such inspection may take all necessary steps to secure the premises under inspection until the warrant application is acted upon by a judicial officer.

(7) No more than 6 inspections of a premises may be conducted pursuant to Chapter 5 within any 6 month period except pursuant to a search warrant. Notwithstanding this limitation, nothing in this subparagraph (7) shall be construed to limit the authority of law enforcement agents to respond to public complaints of violations of the Code. For the purpose of this subparagraph (7), a public complaint is one in

which the complainant identifies himself or herself and sets forth, in writing, the specific basis for their complaint against the licensee. For the purpose of this subparagraph (7), the inspection of records pertaining only to scrap metals, as provided in subdivision (a)(5) of Section 5-401.3 of this Code, shall not be counted as an inspection of a premises.

(8) Nothing in this Section shall be construed to limit the authority of individuals by the Secretary pursuant to this Section to conduct searches of licensees pursuant to a duly issued and authorized search warrant.

(9) Any licensee who, having been informed by a person authorized to make inspections and examine records under this Section that he desires to inspect records and the licensee's premises as authorized by this Section, refuses either to produce for that person records required to be kept by this Chapter or to permit such authorized person to make an inspection of the premises in accordance with this Section shall subject the license to immediate suspension by the Secretary of State.

(10) Beginning July 1, 1988, any person ~~referenced licensed~~ under Section 5-302 shall produce for inspection upon demand those records pertaining to the acquisition of salvage vehicles in this State. ~~This inspection may be conducted at the principal offices of the Secretary of State.~~

(Source: P.A. 95-253, eff. 1-1-08.)

(625 ILCS 5/5-702) (from Ch. 95 1/2, par. 5-702)

Sec. 5-702. No person shall engage in the business of auctioning any vehicles for which a salvage certificate is required by law except to a bidder who is an out-of-state salvage vehicle buyer or who is properly licensed as a rebuilder, automotive parts recycler, or scrap processor ~~or out-of-state salvage buyer~~, as required by Section Sections 5-301 and 5-302 of this Chapter.

(Source: P.A. 89-663, eff. 8-14-96.)"

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 4771. Having been reproduced, was taken up and read by title a second time. Representative Winters offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 4771 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 10-20.13 and 34-21.6 as follows:
(105 ILCS 5/10-20.13) (from Ch. 122, par. 10-20.13)

Sec. 10-20.13. Textbooks ~~Text books~~ for children of parents unable to buy them and other fees.

(a) To purchase, at the expense of the district, a sufficient number of textbooks for children whose parents are unable to buy them, including but not limited to children living in households that meet the free lunch or breakfast eligibility guidelines established by the federal government pursuant to Section 1758 of the federal Richard B. Russell National School Lunch Act (42 U.S.C. 1758; 7 C.F.R. 245 et seq.), subject to verification as set forth in subsection (c) of this Section ~~eligible for free lunches or breakfasts under the Community School Lunch Program~~. Such textbooks shall be loaned only, and the directors shall require the teacher to see that they are properly cared for and returned at the end of each term of school.

(b) To waive all fees assessed by the district on children whose parents are unable to afford them, including but not limited to children living in households that meet the free lunch or breakfast eligibility guidelines established by the federal government pursuant to Section 1758 of the federal Richard B. Russell National School Lunch Act (42 U.S.C. 1758; 7 C.F.R. 245 et seq.), subject to verification as set forth in subsection (c) of this Section ~~eligible for free lunches or breakfasts under the Community School Lunch Program~~. The school board shall adopt written policies and procedures for such waiver of fees in accordance with regulations promulgated by the State Board of Education.

(c) Any school board that participates in a federally funded, school-based child nutrition program and uses a student's application for, eligibility for, or participation in the federally funded, school-based child nutrition program (42 U.S.C. 1758; 7 C.F.R. 245 et seq.) as the basis for waiving fees assessed by the school district must follow the verification requirements of the federally funded, school-based child nutrition program (42 U.S.C. 1758; 7 C.F.R. 245.6a).

A school board that establishes a process for the determination of eligibility for waiver of fees assessed

by the school district that is completely independent of a student's application for, eligibility for, or participation in a federally funded, school-based child nutrition program may provide for fee waiver verification no more often than every 60 calendar days. Information obtained during the independent, fee waiver verification process indicating that the student does not meet free lunch or breakfast eligibility guidelines may be used to deny the waiver of the student's fees, provided that any information obtained through this independent process for determining or verifying eligibility for fee waivers shall not be used to determine or verify eligibility for any federally funded, school-based child nutrition program.

(Source: P.A. 86-195.)

(105 ILCS 5/34-21.6) (from Ch. 122, par. 34-21.6)

Sec. 34-21.6. Waiver of fees.

(a) The board shall waive all fees assessed by the district on children whose parents are unable to afford them, including but not limited to children living in households that meet the free lunch or breakfast eligibility guidelines established by the federal government pursuant to Section 1758 of the federal Richard B. Russell National School Lunch Act (42 U.S.C. 1758; 7 C.F.R. 245 et seq.), subject to verification as set forth in subsection (b) of this Section eligible for free lunches or breakfasts under the Community School Lunch Program. The board shall develop written policies and procedures implementing this Section in accordance with regulations promulgated by the State Board of Education.

(b) If the board participates in a federally funded, school-based child nutrition program and uses a student's application for, eligibility for, or participation in the federally funded, school-based child nutrition program (42 U.S.C. 1758; 7 C.F.R. 245 et seq.) as the basis for waiving fees assessed by the district, then the board must follow the verification requirements of the federally funded, school-based child nutrition program (42 U.S.C. 1758; 7 C.F.R. 245.6a).

If the board establishes a process for the determination of eligibility for waiver of fees assessed by the district that is completely independent of a student's application for, eligibility for, or participation in a federally funded, school-based child nutrition program, the board may provide for fee waiver verification no more often than every 60 calendar days. Information obtained during the independent, fee waiver verification process indicating that the student does not meet free lunch or breakfast eligibility guidelines may be used to deny the waiver of the student's fees, provided that any information obtained through this independent process for determining or verifying eligibility for fee waivers shall not be used to determine or verify eligibility for any federally funded, school-based child nutrition program.

(Source: P.A. 86-195.)

Section 99. Effective date. This Act takes effect on September 1, 2008 or upon becoming law, whichever is later."

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 5503. Having been recalled on April 16, 2008, and held on the order of Second Reading, the same was again taken up.

Representative Saviano offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 5503, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Real Estate Timeshare Act of 1999 is amended by changing Sections 1-15, 5-40, 5-45, 5-60, and 10-25 as follows:

(765 ILCS 101/1-15)

Sec. 1-15. Definitions. In this Act, unless the context otherwise requires:

"Accommodation" means any apartment, condominium or cooperative unit, cabin, lodge, hotel or motel room, or other private or commercial structure containing toilet facilities therein that is designed and available, pursuant to applicable law, for use and occupancy as a residence by one or more individuals, or any unit or berth on a commercial cruise line ship, which is included in the offering of a timeshare plan.

"Acquisition agent" means a person who, directly or through the person's employees, agents, or independent contractors, induces or attempts to induce by means of a promotion or an advertisement any individual located within the State of Illinois to attend a sales presentation for a timeshare plan.

"Advertisement" means any written, oral, or electronic communication that is directed to or targeted to persons within the State of Illinois and contains a promotion, inducement, or offer to sell a timeshare plan, including but not limited to brochures, pamphlets, radio and television scripts, electronic media, telephone and direct mail solicitations, and other means of promotion.

"Association" means the organized body consisting of the purchasers of interests in a timeshare plan.

"Assessment" means the share of funds required for the payment of common expenses which is assessed from time to time against each purchaser by the managing entity.

"Commissioner" means the Commissioner of Banks and Real Estate, or a natural person authorized by the Commissioner, the Office of Banks and Real Estate Act, or this Act to act in the Commissioner's stead.

"Component site" means a specific geographic location where accommodations which are part of a multi-site timeshare plan are located. Separate phases of a single timeshare property in a specific geographic location and under common management shall be deemed a single component site.

"Developer" means and includes any person or entity, other than a sales agent, acquisition agent, or resale agent, who creates a timeshare plan or is in the business of selling timeshare interests, or employs agents to do the same, or any person or entity who succeeds to the interest of a developer by sale, lease, assignment, mortgage, or other transfer, but the term includes only those persons who offer timeshare interests for disposition in the ordinary course of business.

"Dispose" or "disposition" means a voluntary transfer or assignment of any legal or equitable interest in a timeshare plan, other than the transfer, assignment, or release of a security interest.

"Exchange company" means any person owning or operating, or both owning and operating, an exchange program.

"Exchange program" means any method, arrangement, or procedure for the voluntary exchange of timeshare interests or other property interests. The term does not include the assignment of the right to use and occupy accommodations to owners of timeshare interests within a single-site timeshare plan. Any method, arrangement, or procedure that otherwise meets this definition, wherein the purchaser's total contractual financial obligation exceeds \$3,000 per any individual, recurring timeshare period, shall be regulated as a timeshare plan in accordance with this Act.

"Managing entity" means the person who undertakes the duties, responsibilities, and obligations of the management of a timeshare plan.

"Offer" means any inducement, solicitation, or other attempt, whether by marketing, advertisement, oral or written presentation, or any other means, to encourage a person to acquire a timeshare interest in a timeshare plan, other than as security for an obligation.

"Person" means a natural person, corporation, limited liability company, partnership, joint venture, association, estate, trust, government, governmental subdivision or agency, or other legal entity, or any combination thereof.

"Promotion" means a plan or device, including one involving the possibility of a prospective purchaser receiving a vacation, discount vacation, gift, or prize, used by a developer, or an agent, independent contractor, or employee of any of the same on behalf of the developer, in connection with the offering and sale of timeshare interests in a timeshare plan.

"Purchaser" means any person, other than a developer, who by means of a voluntary transfer acquires a legal or equitable interest in a timeshare plan other than as security for an obligation.

"Purchase contract" means a document pursuant to which a person becomes legally obligated to sell, and a purchaser becomes legally obligated to buy, a timeshare interest.

"Resale agent" means a person who, for another and for compensation, or with the intention or expectation of receiving compensation, either directly or indirectly ~~directly or through the person's employees or agents~~, sells, or offers to sell, or advertises to sell a timeshare interest previously sold to a purchaser or solicits an owner of a timeshare interest to list the owner's timeshare interest for sale.

"Reservation system" means the method, arrangement, or procedure by which a purchaser, in order to reserve the use or occupancy of any accommodation of a multi-site timeshare plan for one or more timeshare periods, is required to compete with other purchasers in the same multi-site timeshare plan, regardless of whether the reservation system is operated and maintained by the multi-site timeshare plan managing entity, an exchange company, or any other person. In the event that a purchaser is required to use an exchange program as the purchaser's principal means of obtaining the right to use and occupy accommodations, that arrangement shall be deemed a reservation system. When an exchange company utilizes a mechanism for the exchange of use of timeshare periods among members of an exchange program, that utilization is not a reservation system of a multi-site timeshare plan.

"Sales agent" means a person, other than a resale agent, who, directly or through the person's employees,

agents, or independent contractors, sells or offers to sell timeshare interests in a timeshare plan to any individual located in the State of Illinois.

"Timeshare instrument" means one or more documents, by whatever name denominated, creating or governing the operation of a timeshare plan.

"Timeshare interest" means and includes either:

(1) a "timeshare estate", which is the right to occupy a timeshare property, coupled with a freehold estate or an estate for years with a future interest in a timeshare property or a specified portion thereof; or

(2) a "timeshare use", which is the right to occupy a timeshare property, which right is neither coupled with a freehold interest, nor coupled with an estate for years with a future interest, in a timeshare property.

"Timeshare period" means the period or periods of time when the purchaser of a timeshare plan is afforded the opportunity to use the accommodations of a timeshare plan.

"Timeshare plan" means any arrangement, plan, scheme, or similar device, other than an exchange program, whether by membership agreement, sale, lease, deed, license, or right-to-use agreement or by any other means, whereby a purchaser, in exchange for consideration, receives ownership rights in or the right to use accommodations for a period of time less than a full year during any given year, but not necessarily for consecutive years. A timeshare plan may be:

(1) a "single-site timeshare plan", which is the right to use accommodations at a single timeshare property; or

(2) a "multi-site timeshare plan", which includes:

(A) a "specific timeshare interest", which is the right to use accommodations at a specific timeshare property, together with use rights in accommodations at one or more other component sites created by or acquired through the timeshare plan's reservation system; or

(B) a "non-specific timeshare interest", which is the right to use accommodations at more than one component site created by or acquired through the timeshare plan's reservation system, but including no specific right to use any particular accommodations.

"Timeshare property" means one or more accommodations subject to the same timeshare instrument, together with any other property or rights to property appurtenant to those accommodations.

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. 91-585, eff. 1-1-00.)

(765 ILCS 101/5-40)

Sec. 5-40. Resale agent duties. ~~A Whether registered or exempt from registration under Section 5-35, a~~ resale agent shall comply with all of the following:

(a) Prior to engaging in any resale activities on behalf of any owner of a timeshare interest ~~or accepting anything of value from any owner of a timeshare interest~~, a resale agent shall enter into a listing agreement with that owner. Every listing agreement shall be in writing and signed by both the resale agent and the timeshare interest owner. The requirements of the written listing agreement shall be established by rule, but at a minimum the listing agreement shall disclose the following:

(1) Whether any person other than the timeshare interest owner may use the timeshare interest during the period before the timeshare interest is resold.

(2) Whether any person other than the timeshare interest owner may rent or exchange the use of the timeshare interest during the period before the timeshare interest is resold.

(3) The name of any person who will receive any rents, profits, or other consideration generated from

the use of the timeshare interest during the period before the timeshare interest is resold.

(4) A detailed description of any relationship between the resale agent and any other person who receives any benefit from the use of the timeshare interest.

(5) A description of any fee, including the amount, to be paid by the timeshare interest owner to the resale agent prior to the sale of the timeshare interest. If any such fee is charged by the resale agent prior to the sale of the timeshare interest, then a statement must be included disclosing either (A) the number of timeshare interests sold by the resale agent for each of the past 3 years or (B) the ratio or percentage of the number of listings versus the number of timeshare interests sold by the resale agent for each of the past 3 years.

(6) A description of the amount or percentage and procedures for paying any commissions due to the resale agent upon resale of the timeshare interest, the method of compensation, a definite date of termination, whether any fees are non-refundable, and whether the agreement permits the timeshare resale agent or any other person to make any use whatsoever of the owner's timeshare interest or receive any rents or profits generated from such use of the timeshare interest.

(b) A resale agent shall maintain records as required by rule. The records required to be maintained include, but are not limited to, all listing agreements, copies of disbursement authorizations in accordance with subsection (c), and resale contracts.

(c) A resale agent who collects any fees prior to a transfer of an interest from any owner shall deposit the fees in an escrow account. Any fees that are to be paid to the resale agent prior to closing may be disbursed from the escrow account only upon receipt of a disbursement authorization, signed by the owner, in the following form:

"I, (name of owner), am the owner of a timeshare interest in (name of timeshare plan).

I understand that for my protection I can require the entire fee to be held in escrow until the closing on the resale of my timeshare interest, but I am authorizing a release before the transfer in the following amount: (amount written in words) (\$ (amount in numbers)), for the following purpose or purposes (description of purpose or purposes). I understand that the resale agent is regulated by the Office of Banks and Real Estate under the Real Estate Timeshare Act of 1999. The Office of Banks and Real Estate requires the resale agent to obtain this disbursement authorization with my signature before disbursement of my funds."

(d) A resale agent shall utilize a purchase agreement that discloses to a purchaser of a timeshare interest all of the following:

(1) A legally sufficient description of the timeshare interest being purchased.

(2) The name and address of the managing entity of the timeshare property.

(3) The current year's assessment for the common expenses allocated to the timeshare interest being purchased including the time period to which the assessment relates and the date on which it is due. If not included in the applicable common expense assessment, the amount of any real or personal property taxes allocated to the timeshare interest being purchased.

(3.5) Whether all assessments and real property taxes against the timeshare interest are paid in full and, if not, the amount owed and the consequences of failure to pay any assessment or real property taxes.

(4) A complete and accurate disclosure of the terms and conditions of the purchase and closing, including the obligations of the owner, the purchaser, or both for closing costs and the title insurance.

(5) The entity responsible for providing notification to the managing entity of the timeshare plan and the applicable exchange company regarding any change in the ownership of the timeshare interest.

(6) A statement of the first year in which the purchaser is entitled to receive the actual use rights and occupancy of the timeshare interest, as determined by the managing entity of the timeshare plan and any exchange company.

(6.5) The place where the documents of formation of the association, if any, and the timeshare instrument may be obtained, together with the following disclosure:

"There are many important documents relating to the timeshare plan that you should review prior to purchasing a timeshare interest, which may include the declaration of restrictions, covenants, and conditions; the owners' association articles and bylaws; the current year's operating and reserve budgets; and any rules and regulations affecting the use of the timeshare plan accommodations and amenities."

(7) In making the disclosures required by this subsection (d), the timeshare resale agent may rely upon information provided in writing by the owner or managing entity of the timeshare plan.

(8) The purchaser's 5-day cancellation period as required by Section 10-10.

(9) Any other information determined by the Office of Banks and Real Estate and established by rule.

(e) A resale agent shall be licensed as a real estate broker or salesperson pursuant to the provisions of the Real Estate License Act of 2000 or its successor Act.

(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.

(Source: P.A. 91-585, eff. 1-1-00.)

(765 ILCS 101/5-45)

Sec. 5-45. Amendment to registration information or public offering statement. The developer, resale agent, and exchange company shall amend or supplement their disclosure documents and registration information to reflect any material change in any information required by this Act or the rules implementing this Act. All such amendments, supplements, and changes shall be filed with the Office of Banks and Real Estate within 30 ~~20~~ calendar days of the material change.

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. 91-585, eff. 1-1-00.)

(765 ILCS 101/5-60)

Sec. 5-60. Registration; offer or disposal of interest.

(a) A developer or , exchange company, ~~or resale agent~~, or any of their agents, shall not sell, offer, or dispose of a timeshare interest unless all necessary registrations are filed and approved by the Office of Banks and Real Estate, or while an order revoking or suspending a registration is in effect.

(b) An applicant for registration under this Act shall submit the necessary information to complete the application, as required by the Office of Banks and Real Estate, within 6 months from the date the initial registration application was received by the Office of Banks and Real Estate. If the applicant fails to submit the information necessary to complete the application as required by the Office of Banks and Real Estate within the six month period, said application shall be voided, and a new registration application with applicable fees must be submitted.

(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.

(Source: P.A. 91-585, eff. 1-1-00.)

(765 ILCS 101/10-25)

Sec. 10-25. Liability; material misrepresentation.

(a) A developer or other person offering a timeshare plan may not do any of the following:

(1) Misrepresent a fact material to a purchaser's decision to buy a timeshare interest.

(2) Predict specific or immediate increases in the value of a timeshare interest represented over a period of time, excluding bona fide pending price increases by the developer.

(3) Materially misrepresent the qualities or characteristics of accommodations or the amenities available to the occupant of those accommodations.

(4) Misrepresent the length of time accommodations or amenities will be available to the purchaser of a timeshare interest.

(5) Misrepresent the conditions under which a purchaser of a timeshare interest may exchange the right of his or her occupancy for the right to occupy other accommodations.

(b) A developer or other person using a promotion in connection with the offering of a timeshare interest shall clearly disclose all of the following:

(1) That the purpose of the promotion is to sell timeshare interests, which shall appear in bold face or other conspicuous type.

(2) That any person whose name or address is obtained during the promotion may be solicited to purchase a timeshare interest.

(3) The name of each developer or other person trying to sell a timeshare interest through the promotion, and the name of each person paying for the promotion.

(4) The complete rules of the promotion.

(5) The method of awarding prizes, gifts, vacations, discount vacations, or other benefits under the promotion; a complete and fully detailed description, including approximate retail value, of all prizes, gifts, or benefits under the promotion; the quantity of each prize, gift, or benefit to be awarded or conferred; and the date by which each prize, gift, or benefit will be awarded or conferred.

(6) Any other disclosures provided by rule.

(c) If a person represents that a prize, gift, or benefit will be awarded in connection with a promotion, the prize, gift, or benefit must be awarded or conferred in the manner represented, and on or before the date represented.

(d) A developer or other person using a promotion in connection with the offering of a timeshare interest shall provide the disclosures required by this Section in writing or electronically to the prospective purchaser at least once before the earlier of (1) a reasonable period before the scheduled sales presentation to ensure that the prospective purchaser receives the disclosures before leaving to attend the sales presentation or (2) the payment of any nonrefundable monies by the prospective purchaser in regard to the promotion.

(e) A developer or other person using a promotion in connection with the offering of a timeshare interest is not required to provide the disclosures required by this Section in every advertisement or other written, oral, or electronic communication provided or made to a prospective purchaser.

(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.

(Source: P.A. 91-585, eff. 1-1-00.)

(765 ILCS 101/5-35 rep.)

Section 10. The Real Estate Timeshare Act of 1999 is amended by repealing Section 5-35.

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."

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

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

HOUSE BILL 4762. 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 4762 on page 11, by replacing lines 25 and 26 as follows:

"(o) A majority of Board members constitutes a quorum. A quorum is required for all Board"; and on page 17, lines 2 and 3, by deleting "as established by rule,"; and on page 18, immediately below line 5, 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."; and on page 20, by replacing lines 11 through 14 with "application and by paying the required fee."

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 4789. 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 4789 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Radon-Resistant Residences Act.

Section 5. The Task Force on Radon-Resistant Building Codes.

(a) The Radon-Resistant Building Codes Task Force is created. The Task Force consists of the following members:

- (1) the Director of the Illinois Emergency Management Agency or his or her representative, ex officio, who is the chair of the Task Force;
- (2) a representative of the Home Builders Association of Illinois;
- (3) a representative of the Illinois Home Inspectors' Association;
- (4) a representative of the International Code Council;
- (5) a representative of the Illinois Association of Realtors;
- (6) a representative of the American Lung Association of Illinois;
- (7) a representative of the American Cancer Society;
- (8) a representative of the Illinois Municipal League;
- (9) one member appointed by the Speaker of the House of Representatives;
- (10) one member appointed by the Minority Leader of the House of Representatives;
- (11) one member appointed by the President of the Senate; and
- (12) one member appointed by the Minority Leader of the Senate.

(b) The Task Force shall meet at the call of the chair. Members shall serve without compensation, but may be reimbursed for their reasonable expenses from moneys appropriated for that purpose. The Agency shall provide staff and support for the operation of the Task Force.

(c) The Task Force shall make recommendations to the Governor, the Agency, the Environmental Protection Agency, and the Pollution Control Board concerning the adoption of rules for building codes under Section 10 of This Act.

Section 10. Proposed rules for radon control.

(a) The Governor, in coordination with the Illinois Emergency Management Agency, the Environmental Protection Agency, and the Pollution Control Board, shall propose rules for radon control for all new residential buildings. These proposed rules must incorporate the radon control methods set forth in the International Residential Code appendix as the model language, with changes necessary to comply with existing construction codes in the State.

(b) 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. 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 Act shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given.

(c) 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 upon becoming law."

Representative May offered and withdrew Amendment No. 2.

Floor Amendment No. 3 remained in the Committee on Rules.

Representative Reitz offered the following amendment and moved its adoption:

AMENDMENT NO. 4. Amend House Bill 4789, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Radon-Resistant Residences Act.

Section 5. The Task Force on Radon-Resistant Building Codes.

(a) The Radon-Resistant Building Codes Task Force is created. The Task Force consists of the following members:

- (1) the Director of the Illinois Emergency Management Agency or his or her representative, ex officio, who is the chair of the Task Force;
- (2) a representative of an Illinois home builders association designated by the Director;
- (3) a representative of an Illinois home inspectors association designated by the Director;
- (4) a representative of an international building code organization designated by the

Director;

- (5) a representative of an Illinois realtors organization designated by the Director;
- (6) two representatives of respiratory disease organizations, each from a different organization, designated by the Director;
- (7) a representative of a cancer research and prevention organization designated by the Director;
- (8) a representative of an Illinois municipal organization designated by the Director;
- (9) one member appointed by the Speaker of the House of Representatives;
- (10) one member appointed by the Minority Leader of the House of Representatives;
- (11) one member appointed by the President of the Senate; and
- (12) one member appointed by the Minority Leader of the Senate.

(b) The Task Force shall meet at the call of the chair. Members shall serve without compensation, but may be reimbursed for their reasonable expenses from moneys appropriated for that purpose. The Agency shall provide staff and support for the operation of the Task Force.

(c) The Task Force shall make recommendations to the Governor, the Agency, the Environmental Protection Agency, and the Pollution Control Board concerning the adoption of rules for building codes under Section 10 of This Act.

Section 10. Proposed rules for radon control.

(a) 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. 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 Act shall be interpreted to grant rulemaking authority under any other Illinois statute where such authority is not otherwise explicitly given.

(b) 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 90. The Illinois Radon Awareness Act is amended by changing Sections 5, 10, and 20 as follows:

(420 ILCS 46/5)

Sec. 5. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Agent" means a licensed real estate "broker" or "salesperson", as those terms are defined in Section 1-10 of the Real Estate License Act of 2000, acting on behalf of a seller or buyer of residential real property.

(b) "Buyer" means any individual, partnership, corporation, or trustee entering into an agreement to purchase any estate or interest in real property.

(c) "Final settlement" means the time at which the parties have signed and delivered all papers and consideration to convey title to the estate or interest in the residential real property being conveyed.

(d) "IEMA" means the Illinois Emergency Management Agency Division of Nuclear Safety.

(e) "Mitigation" means measures designed to permanently reduce indoor radon concentrations according to procedures described in 32 Illinois Administrative Code Part 422.

(f) "Radon hazard" means exposure to indoor radon concentrations at or in excess of the United States Environmental Protection Agency's, or IEMA's recommended Radon Action Level.

(g) "Radon test" means a measurement of indoor radon concentrations in accordance with 32 Illinois Administrative Code Part 422 for performing radon measurements within the context of a residential real property transaction.

(h) "Residential real property" means any estate or interest in ~~a manufactured housing lot or a parcel of~~ real property, improved with one or more ~~not less than one nor more than 4~~ residential dwelling units, including a manufactured home.

(i) "Seller" means any individual, partnership, corporation, or trustee transferring residential real property in return for consideration.

(Source: P.A. 95-210, eff. 1-1-08.)

(420 ILCS 46/10)

Sec. 10. Radon testing and disclosure.

(a) Except as excluded by Section 20 of this Act, the seller shall provide to the buyer of any interest in residential real property the IEMA pamphlet entitled "Radon Testing Guidelines for Real Estate Transactions" (or an equivalent pamphlet approved for use by IEMA) and the Illinois Disclosure of Information on Radon Hazards, which is set forth in subsection (b) of this Section, stating that the property may present the potential for exposure to radon before the buyer is obligated under any contract to purchase residential real property. Nothing in this Section is intended to or shall be construed to imply an obligation on the seller to conduct any radon testing or mitigation activities.

(b) The following shall be the form of Disclosure of Information on Radon Hazards to be provided to a buyer of residential real property as required by this Section:

DISCLOSURE OF INFORMATION ON RADON HAZARDS
(For Residential Real Property Sales or Purchases)

Radon Warning Statement

Every buyer of any interest in residential real property is notified that the property may present exposure to dangerous levels of indoor radon gas that may place the occupants at risk of developing radon-induced lung cancer. Radon, a Class-A human carcinogen, is the leading cause of lung cancer in non-smokers and the second leading cause overall. The seller of any interest in residential real property is required to provide the buyer with any information on radon test results of the dwelling showing elevated levels of radon in the seller's possession.

The Illinois Emergency Management Agency (IEMA) strongly recommends ALL homebuyers have an indoor radon test performed prior to purchase or taking occupancy, and mitigated if elevated levels are found. Elevated radon concentrations can easily be reduced by a qualified, licensed radon mitigator.

Seller's Disclosure (initial each of the following which applies)

(a)..... Elevated radon concentrations (above EPA or IEMA recommended Radon Action Level) are known to be present within the dwelling. (Explain)

(b)..... Seller has provided the purchaser with all available records and reports pertaining to elevated radon concentrations within the dwelling.

(c)..... Seller either has no knowledge of elevated radon concentrations in the dwelling or prior elevated radon concentrations have been mitigated or remediated.

(d)..... Seller has no records or reports pertaining to elevated radon concentrations within the dwelling.

Purchaser's Acknowledgment (initial each of the following which applies)

(e)..... Purchaser has received copies of all information listed above.

(f)..... Purchaser has received the IEMA approved Radon Disclosure Pamphlet.

Agent's Acknowledgment (initial) (if applicable)

(g)..... Agent has informed the seller of the seller's obligations under Illinois law.

Certification of Accuracy

The following parties have reviewed the information above and each party certifies, to the best of his or her knowledge, that the information he or she provided is true and accurate.

Seller	Date	Seller	Date
Purchaser	Date	Purchaser	Date
Agent	Date	Agent	Date

(c) If any of the disclosures required by this Section occurs after the buyer has made an offer to purchase the residential real property, the seller shall complete the required disclosure activities prior to accepting the buyer's offer and allow the buyer an opportunity to review the information and possibly amend the offer.

(Source: P.A. 95-210, eff. 1-1-08.)
(420 ILCS 46/20)

Sec. 20. Exclusions. The provisions of this Act do not apply to the following:

(1) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers between spouses resulting from a judgment of dissolution of marriage or legal separation, transfers pursuant to an order of possession, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.

(2) Transfers from a mortgagor to a mortgagee by deed in lieu of foreclosure or consent judgment, transfer by judicial deed issued pursuant to a foreclosure sale to the successful bidder or the assignee of a certificate of sale, transfer by a collateral assignment of a beneficial interest of a land trust, or a transfer by a mortgagee or a successor in interest to the mortgagee's secured position or a beneficiary under a deed in trust who has acquired the real property by deed in lieu of foreclosure, consent judgment

or judicial deed issued pursuant to a foreclosure sale.

(3) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.

(4) Transfers from one co-owner to one or more other co-owners.

(5) Transfers pursuant to testate or intestate succession.

(6) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the sellers.

(7) Transfers from an entity that has taken title to residential real property from a seller for the purpose of assisting in the relocation of the seller, so long as the entity makes available to all prospective buyers a copy of the disclosure form furnished to the entity by the seller.

(8) Transfers to or from any governmental entity.

(9) Transfers of a structure or building containing more than 4 residential dwelling units.

(10) Transfers of any residential dwelling unit located on the third story or higher above ground level of any structure or building, including, but not limited to, condominium units and dwelling units in a residential cooperative.

(Source: P.A. 95-210, eff. 1-1-08.)

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

The foregoing motion prevailed and Amendment No. 4 was adopted.

There being no further amendments, the foregoing Amendments numbered 1 and 4 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 2692.

HOUSE BILL 5278. Having been recalled on March 3, 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 4634. 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 4634 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Aid Law of the Civil Administrative Code of Illinois is amended by adding Section 2205-15 as follows:

(20 ILCS 2205/2205-15 new)

Sec. 2205-15. Prostate and testicular cancer diagnostic evaluation and treatment program.

(a) Subject to appropriation, the Department of Healthcare and Family Services shall establish a prostate and testicular cancer diagnostic evaluation and treatment program. A person is eligible for diagnostic evaluation and, if that evaluation is positive for the respective cancer, treatment services under the program if he meets all of the following conditions:

(1) He has been screened for prostate or testicular cancer in a manner approved by the Department, including, but not limited to, by means of participation in the screening program established under Section 2310-397 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois.

(2) He continues to need that treatment. A person shall be considered to need treatment if, in the opinion of his treating physician licensed to practice medicine in all its branches, he requires therapy directed toward cure or palliation of prostate or testicular cancer, including recurrent metastatic cancer that is a known or presumed complication of prostate or testicular cancer and complications resulting from the treatment modalities themselves. Covered diagnostic evaluation shall include, but is not limited to, initial and follow-up ultrasound biopsies, pelvic CT Scans, bone scans, follow-up PSA (Prostate Specific Antigen) testing, and DRE (Digital Rectal Examination) as recommended by the treating physician.

(3) He is uninsured for prostate or testicular cancer diagnostic evaluation and treatment, that is, he does not have creditable coverage, as defined under the Health Insurance Portability and Accountability Act, for that treatment.

(4) He meets the citizenship requirements set forth in 89 Ill. Adm. Code 120.310 and the residence requirements set forth in 89 Ill. Adm. Code 120.311.

(5) He furnishes a Social Security number as described in 89 Ill. Adm. Code 120.327.

(6) He cooperates in establishing his eligibility to participate in the program as described in 89 Ill. Adm. Code 120.308.

A person's assets are exempt from consideration in determining his eligibility for diagnostic evaluation and treatment services under this Section.

(b) Notwithstanding any other provision of law, the Department of Healthcare and Family Services (i) does not have a claim against the estate of a deceased recipient of diagnostic evaluation or treatment services under this Section or against the estate of a recipient's deceased spouse and (ii) does not have a lien against any homestead property or other legal or equitable real property interest owned by a recipient of diagnostic evaluation or treatment services under this Section.

(c) A person who enters a nursing facility for the purpose of receiving services that qualify as treatment under this Section must provide the Department with income information sufficient to enable the Department to calculate a group care credit as established in 89 Ill. Adm. Code 120.40 and 120.60.

(d) A person applying for or receiving diagnostic evaluation and treatment services under this Section has the appeal rights described in 89 Ill. Adm. Code 102.80 through 102.83 in the case of applicants for or recipients of assistance under the Illinois Public Aid Code.

(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.

Section 10. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-397 as follows:

(20 ILCS 2310/2310-397) (was 20 ILCS 2310/55.90)

Sec. 2310-397. Prostate and testicular cancer program.

(a) The Department, subject to appropriation or other available funding, shall conduct a program to promote awareness and early detection of prostate and testicular cancer. The program may include, but need not be limited to:

(1) Dissemination of information regarding the incidence of prostate and testicular cancer, the risk factors associated with prostate and testicular cancer, and the benefits of early detection and treatment.

(2) Promotion of information and counseling about treatment options, including: identification of the methods for the treatment of prostate and testicular cancer that meet current clinical standards; information concerning the advantages, disadvantages, and risks associated with those treatment methods; and information concerning the availability of public and private sources of payment for diagnostic evaluation and the treatment of prostate and testicular cancer.

(3) Establishment and promotion of referral services (including referrals for diagnostic evaluation and treatment services) and screening programs.

Beginning July 1, 2004, the program must include the development and dissemination, through print and broadcast media, of public service announcements that publicize the importance of prostate and testicular cancer screening for men over age 40.

(b) Subject to appropriation or other available funding, a Prostate and Testicular Cancer Screening Program shall be established in the Department of Public Health.

(1) The Program shall apply to the following persons and entities:

(A) uninsured and underinsured men over the age of 40 who are at risk for prostate cancer, or younger men upon the advice of a physician or upon the request of the patient 50 years of age and older;

(B) ~~(blank); uninsured and underinsured men between 40 and 50 years of age who are at high risk for prostate cancer, upon the advice of a physician or upon the request of the patient; and~~

(B-5) uninsured and underinsured men 14 years of age and older who are at risk for testicular cancer, or younger men upon the advice of a physician or upon the request of the patient; and

(C) non-profit organizations providing assistance to persons described in subparagraphs (A) and (B).

(2) Any entity funded by the Program shall coordinate with other local providers of prostate and testicular cancer screening, diagnostic, follow-up, education, and advocacy services to avoid duplication of effort. Any entity funded by the Program shall comply with any applicable State and federal standards regarding prostate and testicular cancer screening.

(3) Administrative costs of the Department shall not exceed 10% of the funds allocated to the Program. Indirect costs of the entities funded by this Program shall not exceed 12%. The Department shall define "indirect costs" in accordance with applicable State and federal law.

(4) Any entity funded by the Program shall collect data and maintain records that are determined by the Department to be necessary to facilitate the Department's ability to monitor and evaluate the effectiveness of the entities and the Program. Commencing with the Program's second year of operation, the Department shall submit an Annual Report to the General Assembly and the Governor. The report shall describe the activities and effectiveness of the Program and shall include, but not be limited to, the following types of information regarding those served by the Program:

(A) the number;

(B) the ethnic, geographic, and age breakdown;

(C) the stages of presentation; and

(D) the diagnostic and treatment status.

(5) The Department or any entity funded by the Program shall collect personal and medical information necessary to administer the Program from any individual applying for services under the Program. The information shall be confidential and shall not be disclosed other than for purposes directly connected with the administration of the Program or except as otherwise provided by law or pursuant to prior written consent of the subject of the information.

(6) The Department or any entity funded by the program may disclose the confidential information to medical personnel and fiscal intermediaries of the State to the extent necessary to administer the Program, and to other State public health agencies or medical researchers if the confidential information is necessary to carry out the duties of those agencies or researchers in the investigation, control, or surveillance of prostate and testicular cancer.

(c) The Department shall adopt rules to implement the Prostate and Testicular Cancer Screening Program in accordance with the Illinois Administrative Procedure Act.

(d) Implementation of the changes made by this amendatory Act of the 95th General Assembly is subject to appropriation.

(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.

(Source: P.A. 92-16, eff. 6-28-01; 93-122, 1-1-04)."

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 BILL 5086. Having been reproduced, was taken up and read by title a second time. Representative Flider offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 5086 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 8-205 as follows:
(220 ILCS 5/8-205) (from Ch. 111 2/3, par. 8-205)

Sec. 8-205. (a) Termination of gas and electric utility service to all residential users, including all tenants of mastermeters apartment buildings, for nonpayment of bills, where gas or electricity is used as the only source of space heating or to control or operate the only space heating equipment at the residence is prohibited,

(1) ~~1~~ on any day when the National Weather Service forecast for the following 24 hours covering the area of the utility in which the residence is located includes a forecast that the temperature will be 32 degrees Fahrenheit or below; or

(2) ~~2~~ on any day preceding a holiday or a weekend when such a forecast indicated that the temperature will be 32 degrees Fahrenheit or below during the holiday or weekend.

(b) If gas or electricity is used as the only source of space cooling or to control or operate the only space cooling equipment at a residence, then a utility with over 100,000 residential customers may not terminate gas or electric utility service to the residential user, including all tenants of mastermeters apartment buildings:

(1) on any day when the National Weather Service forecast for the following 24 hours covering the area of the utility in which the residence is located includes a forecast that the temperature will be 95 degrees Fahrenheit or above; or

(2) on any day preceding a holiday or weekend when a forecast indicates that the temperature will be 95 degrees Fahrenheit or above during the holiday or weekend.

(Source: P.A. 84-617.)

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 to the order of Third Reading.

HOUSE BILL 5956. Having been read by title a second time on March 13, 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 4903. 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 4903 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Transparency in College Textbook Publishing Practices Act.

Section 5. Definitions. In this Act:

"Alternative formats" means other versions of a specific textbook, including paperbacks.

"Bundled textbook" means a textbook that is packaged with additional materials, including, but not necessarily limited to, a supplemental workbook CD-ROM, or online resource password.

"Institution" means an institution of higher learning in this State.

"Supplemental items" means supplemental items, not including the textbook, that are developed by a third party and that, by third-party contractual agreement, may not be offered by a publisher separately from the textbook with which the items are combined.

"Textbook" means a book that is intended for use as a source of study material for a class or group of

students, a copy of which is expected to be available for the individual use of each student in that class or group.

"Unbundled textbook" means a textbook that is offered for sale without any additional materials.

Section 10. Disclosure of information. When contacting or being contacted by prospective clients, each publisher of college textbooks shall disclose, in whatever form the publisher is selling, all of the following to the faculty member or, if applicable, the other entity in charge of selecting textbooks for courses taught at an institution:

- (1) The price at which the publisher would make the textbook or supplemental materials available to the bookstore on the campus of or otherwise associated with the institution.
- (2) The revision history for the textbook or supplemental materials, including copyright dates and substantial changes from past editions for the previous 10 years, if any.
- (3) The existence and price of alternative formats of the textbook or supplemental materials.

Section 15. Bundled textbooks. Publishers of college textbooks are required to offer all bundled textbooks for sale as individual unbundled textbooks and supplemental items. Supplemental items in integrated textbooks are exempt. Nothing in this Section shall be construed to require the bookstore on the campus of or otherwise associated with an institution to double stock or purchase textbooks and supplemental items as both bundled and unbundled items.

Section 20. Institutional autonomy and academic freedom. Nothing in this Act shall be construed to supersede institutional autonomy or the academic freedom of persons involved in the selection of textbooks and supplemental materials.

Section 80. Enforcement. The Attorney General, a State's Attorney, or any affected resident of this State may bring a civil action to enforce this Act."

Representative Jakobsson offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4903, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Transparency in College Textbook Publishing Practices Act.

Section 5. Definitions. In this Act:

"Alternative formats" means other versions of a specific textbook, including paperbacks.

"Bundled textbook" means one or more college textbooks or other supplemental materials that may be packaged together to be sold as course materials for one price.

"Custom textbook" means a college textbook that is compiled at the direction of a faculty member or, if applicable, the other adopting entity in charge of selecting textbooks for courses taught at an institution.

"Custom textbook" may include, alone or in combination, items such as selections from original instructor materials, previously copyrighted publisher materials, copyrighted, third-party works, and elements unique to a specific institution, such as commemorative editions.

"Institution" means a public institution of higher education that is included in the definition of "public institutions of higher education" under the Board of Higher Education Act.

"Substantial content" means parts of a college textbook, such as new chapters, additional eras of time, new themes, or new subject matter.

"Supplemental material" means educational material developed to accompany a college textbook that (i) may include printed materials, computer discs, Internet website access, and electronically distributed materials and (ii) is not developed by a third party and, by third party contractual agreement, may not be offered by a publisher separately.

"Textbook" means a textbook or a set of textbooks used for or in conjunction with a course in postsecondary education at an institution, not including custom textbooks.

"Unbundled textbook" means a textbook that is offered for sale without any supplemental materials.

Section 10. Disclosure of information. When contacting or being contacted by prospective clients, each publisher of college textbooks shall disclose, at that time and in writing (which may include electronic communications), all of the following to the faculty member or, if applicable, the other adopting entity in charge of selecting textbooks for courses taught at an institution:

- (1) The price at which the publisher would make the textbook or supplemental materials available to the bookstore on the campus of or otherwise associated with the institution.
- (2) The copyright dates of past editions of the textbook or supplemental materials for

the previous 10 years, if any.

(3) The substantial content changes made between the current edition of the textbook or supplemental materials and the previous edition, if any.

(4) The existence and price of alternative formats of the textbook or supplemental materials.

Section 15. Bundled textbooks. Publishers of college textbooks are required to offer all bundled textbooks for sale as individual unbundled textbooks and supplemental materials. Nothing in this Section shall be construed to require the bookstore on the campus of or otherwise associated with an institution to double stock or purchase textbooks and supplemental materials as both bundled and unbundled items.

Section 20. Custom textbooks.

(a) When a faculty member or, if applicable, other adopting entity in charge of selecting textbooks for courses taught at an institution directs a publisher to compile a custom textbook, the publisher shall provide, in writing (which may include electronic communications) before the faculty member or entity adopts the custom textbook, the price at which the publisher would make the custom textbook available to the bookstore on the campus of or otherwise associated with the institution.

(b) To the maximum extent practical, publishers shall comply with the requirements under Sections 10 and 15 of this Act with respect to the development and provision of custom textbooks.

Section 25. Institutional autonomy and academic freedom. Nothing in this Act shall be construed to supersede institutional autonomy or the academic freedom of persons involved in the selection of textbooks and supplemental materials.

Section 90. Enforcement. The Attorney General or a State's Attorney may bring a civil action to enforce this Act."

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 to the order of Third Reading

HOUSE BILL 2861. Having been read by title a second time on April 16, 2008, and held on the order of Second Reading, the same was again taken up.

Representative Reboletti offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 2861 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by adding Sections 24-3.5-1 and 24-3.7 as follows:
(720 ILCS 5/24-3.5-1 new)

Sec. 24-3.5-1. Sale or gift of firearm to persons ineligible. A person is guilty of a Class X felony if he or she:

(1) has been convicted of the offense of unlawful purchase of a firearm under Section 24-3.5 of this Code; and

(2) sells or gives a firearm to any person not eligible to own or possess a firearm under State or federal law; and

(3) the person who is not eligible to own or possess a firearm under State or federal law either commits a forcible felony or an act of armed violence under Article 33A of this Code.

(720 ILCS 5/24-3.7 new)

Sec. 24-3.7. Unlawful transfer of a firearm.

(a) A person commits the offense of unlawful transfer of a firearm when he or she is not eligible to own or possess a firearm under State or federal law and sells or gives a firearm to another person who is not eligible to own or possess a firearm under State or federal law and that person who is not eligible to own or possess a firearm under State or federal law does any of the following acts:

(1) commits a forcible felony;

(2) commits an act of armed violence under Article 33A of this Code; or

(3) possesses the firearm while in possession of any controlled substance.

(b) Sentence. Unlawful transfer of a firearm is a Class X felony."

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 5120. Having been reproduced, was taken up and read by title a second time.

Representative Ryg offered and withdrew Amendment No. 1.

There being no further amendments, the bill was advanced to the order of Third Reading.

ADJOURNMENT RESOLUTION HOUSE JOINT RESOLUTION 128

Representative Currie offered the following resolution:

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Thursday, April 17, 2008, the House of Representatives stands adjourned until Monday, April 21, 2008, in perfunctory session; and when it adjourns on that day, it stands adjourned until Thursday, April 24, 2008, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, April 29, 2008, at 1:00 o'clock p.m.; and the Senate stands adjourned until Thursday, April 17, 2008, and when it adjourns on that day, it stands adjourned until Wednesday, April 23, 2008, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, April 29, 2008, at 12:00 o'clock noon.

Representative Currie moved the adoption of the resolution.
The motion prevailed and the resolution was adopted.
Ordered that the Clerk inform the Senate and ask their concurrence.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 1203, 1204, 1205, 1206, 1208, 1209, 1210 and 1212 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.
The motion prevailed and the agreed resolutions were adopted.

At the hour of 1:48 o'clock p.m., Representative Currie moved that the House do now adjourn.
The motion prevailed.

And in accordance therewith and pursuant to HOUSE JOINT RESOLUTION 128, the House stood adjourned until Tuesday, April 29, 2008, at 1:00 o'clock p.m.

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

April 17, 2008

0 YEAS

0 NAYS

114 PRESENT

P Acevedo	E Dugan	P Krause	P Reboletti
P Arroyo	P Dunkin	P Lang	P Reis
P Bassi	P Dunn	P Leitch	P Reitz
P Beaubien	P Durkin	P Lindner	P Riley
P Beiser	P Eddy	P Lyons	P Rita
P Bellock	P Feigenholtz	P Mathias	P Rose
P Berrios	P Flider	P Mautino	P Ryg
P Biggins	P Flowers	P May	P Sacia
P Black	P Ford	P McAuliffe	P Saviano
P Boland	P Fortner	P McCarthy	P Schmitz
P Bost	P Franks	P McGuire	P Schock
P Bradley, John	P Fritchey	P Mendoza	P Scully
E Bradley, Richard	P Froehlich	P Meyer	P Smith
P Brady	P Golar	P Miller	P Sommer
P Brauer	P Gordon	P Mitchell, Bill	P Soto
P Brosnahan	P Graham	P Mitchell, Jerry	P Stephens
P Burke	P Granberg	P Moffitt	P Sullivan
P Chapa LaVia	P Hamos	P Molaro	P Tracy
P Coladipietro	P Hannig	P Mulligan	P Tryon
P Cole	P Harris	P Munson	P Turner
P Collins	P Hassert	P Myers	P Verschoore
P Colvin	P Hernandez	P Nekritz	P Wait
P Coulson	P Hoffman	P Osmond	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	P Jefferies	P Pihos	P Younge
P D'Amico	P Jefferson	P Poe	P Mr. Speaker
P Davis, Monique	P Joyce	P Pritchard	
P Davis, William	P Kosel	P Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 2392
 GOVERNMENT-TECH
 THIRD READING
 PASSED

April 17, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	E 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	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y 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	Y Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5595
INS CD-HABILITATIVE SERVICES
THIRD READING
PASSED

April 17, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	E 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	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y 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	Y Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4220
 DISSOL-VIRTUAL CHILD VISITATION
 THIRD READING
 PASSED

April 17, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	E 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	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y 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	Y Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5580
NURSING HOME-QUALITY ASSURANCE
THIRD READING
PASSED

April 17, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	E 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	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y 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	Y Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5059
 NURSE EDUCATOR SCHOLARSHIPS
 THIRD READING
 PASSED

April 17, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	E 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	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y 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	Y Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5932
DCEO-RENEWABLE ENERGY
THIRD READING
PASSED

April 17, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	E 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	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y 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	Y Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5359
 HOSPITAL-MULTIPLE LOCATIONS
 THIRD READING
 PASSED

April 17, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	E 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	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y 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	Y Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4862
 MEDICAID-PAYMNTS-PRACTITIONERS
 THIRD READING
 PASSED

April 17, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	E 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	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y 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	Y Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5238
 HOUSING AUTHORITY-PARTNERSHIP
 THIRD READING
 PASSED

April 17, 2008

78 YEAS

35 NAYS

1 PRESENT

Y Acevedo	E Dugan	Y Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
N Bassi	Y Dunn	Y Leitch	Y Reitz
N Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
N Bellock	Y Feigenholtz	Y Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
N Biggins	Y Flowers	Y May	N Sacia
N Black	Y Ford	N McAuliffe	N Saviano
Y Boland	N Fortner	Y McCarthy	N Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	N Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	N Meyer	Y Smith
N Brady	Y Golar	Y Miller	N Sommer
N Brauer	Y Gordon	N Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	N Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	N Tracy
N Coladipietro	Y Hannig	N Mulligan	N Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	N Hassert	N Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	N Wait
Y Coulson	Y Hoffman	N Osmond	E Washington
Y Crespo	Y Holbrook	Y Osterman	E Watson
N Cross	Y Howard	Y Patterson	N Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	P Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 45
 CONAMEND-REDISTRICTING
 MOTION TO SUSTAIN THE CHAIR
 SUSTAINED

April 17, 2008

64 YEAS

50 NAYS

0 PRESENT

Y Acevedo	E Dugan	N Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
N Bassi	N Dunn	N Leitch	Y Reitz
N Beaubien	N Durkin	N Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
N Bellock	Y Feigenholtz	N Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
N Biggins	Y Flowers	Y May	N Sacia
N Black	Y Ford	N McAuliffe	N Saviano
Y Boland	N Fortner	Y McCarthy	N Schmitz
N Bost	Y Franks	Y McGuire	N Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	N Meyer	Y Smith
N Brady	Y Golar	Y Miller	N Sommer
N Brauer	Y Gordon	N Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	N Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	N Moffitt	N Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	N Tracy
N Coladipietro	Y Hannig	N Mulligan	N Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	N Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	N Wait
N Coulson	Y Hoffman	N Osmond	E Washington
Y Crespo	Y Holbrook	Y Osterman	E Watson
N Cross	Y Howard	Y Patterson	N Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	N Pihos	Y Younge
Y D'Amico	Y Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	N Pritchard	
Y Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5116
IL SERV EDUCATION AWARD GRANT
THIRD READING
PASSED

April 17, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	E 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	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y 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	Y Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3038
 CIVIL LAW-TECH
 THIRD READING
 PASSED

April 17, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	E 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	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y 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	Y Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4147
 EASTERN IL DEVELOP AUTH-QUORUM
 THIRD READING
 PASSED

April 17, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	E 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	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y 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	Y Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5196
CNTY AUDITOR-STIPEND
THIRD READING
PASSED

April 17, 2008

62 YEAS

50 NAYS

1 PRESENT

Y Acevedo	E Dugan	N Krause	N Reboletti
Y Arroyo	N Dunkin	Y Lang	Y Reis
N Bassi	N Dunn	N Leitch	Y Reitz
N Beaubien	N Durkin	Y Lindner	N Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	N Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	N Ryg
N Biggins	Y Flowers	N May	N Sacia
P Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	N Fortner	Y McCarthy	Y Schmitz
N Bost	N Franks	Y McGuire	N Schock
Y Bradley, John	Y Fritchey	Y Mendoza	N Scully
E Bradley, Richard	N Froehlich	N Meyer	Y Smith
N Brady	Y Golar	N Miller	N Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	N Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	Y Moffitt	N Sullivan
N Chapa LaVia	Y Hamos	Y Molaro	N Tracy
N Coladipietro	Y Hannig	N Mulligan	Y Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	N Myers	Y Verschoore
Y Colvin	N Hernandez	Y Nekritz	N Wait
N Coulson	Y Hoffman	N Osmond	E Washington
N Crespo	Y Holbrook	Y Osterman	E Watson
N Cross	Y Howard	Y Patterson	Y Winters
N Cultra	N Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	N Pihos	A Younge
Y D'Amico	Y Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	N Pritchard	
Y Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4943
 ALL KIDS-APPLICATION AGENTS
 THIRD READING
 PASSED

April 17, 2008

78 YEAS

35 NAYS

0 PRESENT

Y Acevedo	E Dugan	Y Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
Y Bassi	N Dunn	N Leitch	Y Reitz
Y Beaubien	A Durkin	Y Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
N Biggins	Y Flowers	Y May	Y Sacia
N Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	N Fortner	N McCarthy	N Schmitz
N Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	N Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
N Brady	Y Golar	N Miller	N Sommer
N Brauer	Y Gordon	N Mitchell, Bill	Y Soto
N Brosnahan	Y Graham	N Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	Y Moffitt	N Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	N Tracy
N Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	N Hassert	N Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	N Wait
Y Coulson	Y Hoffman	Y Osmond	E Washington
Y Crespo	Y Holbrook	Y Osterman	E Watson
N Cross	Y Howard	Y Patterson	Y Winters
N Cultra	Y Jakobsson	N Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	N Joyce	N Pritchard	
Y Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5790
LEAD-HZRD HOUSING REGISTRY
THIRD READING
PASSED

April 17, 2008

106 YEAS

8 NAYS

0 PRESENT

Y Acevedo	E Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	N Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
N Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
N Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	N Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
N Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	N 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	Y Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	N Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5611
 SCH CD-STIPEND-HARD TO STAFF
 THIRD READING
 PASSED

April 17, 2008

74 YEAS

39 NAYS

1 PRESENT

Y Acevedo	E Dugan	N Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
Y Bassi	N Dunn	N Leitch	Y Reitz
Y Beaubien	N Durkin	N Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	N Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	N May	N Sacia
N Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	N Fortner	Y McCarthy	N Schmitz
N Bost	Y Franks	Y McGuire	N Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	N Meyer	Y Smith
N Brady	Y Golar	Y Miller	N Sommer
N Brauer	Y Gordon	N Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	N Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	N Moffitt	N Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	P Tracy
N Coladipietro	Y Hannig	N Mulligan	Y Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	N Myers	Y Verschoore
Y Colvin	Y Hernandez	Y Nekritz	Y Wait
N Coulson	Y Hoffman	N Osmond	E Washington
Y Crespo	Y Holbrook	Y Osterman	E Watson
N Cross	Y Howard	Y Patterson	Y Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	N Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	N Pritchard	
Y Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4675
FIRE PROTECTION-NON-RESIDENT
THIRD READING
PASSED

April 17, 2008

92 YEAS

21 NAYS

1 PRESENT

Y Acevedo	E Dugan	Y Krause	N Reboletti
Y Arroyo	N Dunkin	Y Lang	Y Reis
Y Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	P Riley
N Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	N Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	N Franks	Y McGuire	Y Schock
N Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	N Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	N Gordon	N Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
N Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
N Coladipietro	Y Hannig	N Mulligan	Y Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	N Hernandez	Y Nekritz	N Wait
N Coulson	Y Hoffman	Y Osmond	E Washington
N Crespo	Y Holbrook	Y Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	N Jefferson	Y Poe	Y Mr. Speaker
N Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4922
COMMUNITY INVESTMENT CORP
THIRD READING
PASSED

April 17, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	E 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	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y 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	Y Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4935
PUBLIC WATER DIST-SALARY
THIRD READING
PASSED

April 17, 2008

61 YEAS

51 NAYS

0 PRESENT

Y Acevedo	E Dugan	Y Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
A Bassi	N Dunn	N Leitch	Y Reitz
Y Beaubien	N Durkin	N Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
N Bellock	Y Feigenholtz	Y Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	A Ryg
N Biggins	Y Flowers	N May	N Sacia
N Black	Y Ford	Y McAuliffe	Y Saviano
Y Boland	N Fortner	Y McCarthy	N Schmitz
N Bost	N Franks	Y McGuire	N Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	N Froehlich	N Meyer	Y Smith
N Brady	Y Golar	Y Miller	N Sommer
N Brauer	Y Gordon	N Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	N Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	Y Moffitt	N Sullivan
N Chapa LaVia	Y Hamos	Y Molaro	N Tracy
N Coladipietro	Y Hannig	N Mulligan	N Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	N Myers	Y Verschoore
Y Colvin	N Hernandez	Y Nekritz	N Wait
N Coulson	Y Hoffman	N Osmond	E Washington
N Crespo	Y Holbrook	Y Osterman	E Watson
N Cross	Y Howard	Y Patterson	N Winters
N Cultra	N Jakobsson	N Phelps	Y Yarbrough
Y Currie	Y Jefferies	N Pihos	Y Younge
Y D'Amico	Y Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	N Pritchard	
Y Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4578
INFO TECH-REPORT CHILD PORN
THIRD READING
PASSED

April 17, 2008

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	E 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	Y Ford	Y McAuliffe	Y Saviano
Y Boland	Y Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
E Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y 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	Y Osterman	E Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	Y Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

254TH LEGISLATIVE DAY

Perfunctory Session

THURSDAY, APRIL 17, 2008

At the hour of 1:57 o'clock p.m., the House convened perfunctory session.

HOUSE RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

HOUSE RESOLUTION 1207

Offered by Representative Bost:

WHEREAS, Peabody Energy, the world's largest coal company, strives to provide energy security, economic growth, and environmental solutions for citizens of the State of Illinois and the world; and

WHEREAS, Peabody has been a worldwide leader in safety; and

WHEREAS, Peabody is the most recognized company among its peers for sustainability and corporate responsibility; and

WHEREAS, Peabody is a global leader in advancing new, environmentally responsible uses for clean coal; and

WHEREAS, Peabody creates thousands of skilled jobs and billions of dollars in annual economic benefits in communities it serves through good environmental stewardship, community involvement, and corporate contributions; and

WHEREAS, Francis Peabody founded Peabody Energy in Chicago, opened the company's first mines in Williamson County, and partnered with Commonwealth Edison founder Samuel Insull to create the Illinois electricity grid and bring power to millions of Midwesterners; and

WHEREAS, Francis Peabody's Mayslake Peabody Estate in Oak Brook attracts thousands of visitors to the State and is listed on the National Register of Historic Places; and

WHEREAS, Peabody is helping drive the next generation of clean coal projects such as the Prairie State Energy Campus in Southern Illinois; and

WHEREAS, Peabody is a recognized leader of the S&P 500 and has been repeatedly named among Fortune Magazine's "Most Admired Companies"; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we designate the date of May 29, 2008 as Peabody Energy 125th Anniversary Celebration Day in the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Peabody Energy Corporation as a symbol of our esteem and respect.

HOUSE JOINT RESOLUTION 127

Offered by Representative Schock:

WHEREAS, Most employers have stopped offering traditional pensions benefits and fewer than half of all workers have not signed up for a 401(k) or other employer-sponsored retirement savings plan; and

WHEREAS, For nearly two-thirds of the elderly, Social Security provides the majority of their income; and

WHEREAS, Nearly half (45 percent) of all Americans believe that they have not saved enough for retirement; and

WHEREAS, Most Americans (60 percent) are worried about being able to afford health insurance over the next year; and

WHEREAS, Over half (53 percent) of American adults report having to decrease savings and over one-third (37 percent) have had difficulty paying bills in order to pay for health care costs; and

WHEREAS, Partisan politics and ideological gridlock have divided our leaders and prevented reasonable, common sense, balanced solutions; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we stand with AARP's Divided We Fail effort to amplify the voices of millions of Americans who believe that health care and lifetime financial security are the most pressing domestic issues facing our nation; and be it further

RESOLVED, That we stand together to call on every candidate seeking public office to provide a real plan of action and commitment to ensuring that all Americans have access to affordable, quality health care and peace of mind about their lifetime financial security; and be it further

RESOLVED, That the Illinois General Assembly supports AARP's Divided We Fail initiative; that we join in their efforts to generate millions of voices for change; and that we urge our leaders to deliver action and answers on health care and lifetime financial security.

HOUSE JOINT RESOLUTION 129

Offered by Representative Colvin:

WHEREAS, There is compelling evidence that persons with low education face diminished opportunities and inferior economic and personal well being; compared to high school graduates, dropouts earn less, pay less in taxes, and rely more on public health, criminal justice, and welfare services; and

WHEREAS, Less educated workers are more likely to suffer from heart conditions, strokes, hypertension, high cholesterol, depression, and diabetes, as well as from a range of behaviors that contribute to ill health, such as smoking; and

WHEREAS, The probability of incarceration for black male dropouts is at least 60%; and

WHEREAS, High school graduation reduces crimes by 20% for murder, rape, and other violent crimes; by 11% for property crime; and by 12% for drug related offenses; and

WHEREAS, Black adolescent males in the United States face a far more dire situation than is portrayed by common employment and education statistics, a flurry of new scholarly studies warn, and it has worsened in recent years even as an economic boom and a welfare overhaul have brought gains to black women and other groups; and

WHEREAS, Several recent studies by experts at Columbia University, Princeton University, Harvard University, and other institutions focusing more closely than ever on the life patterns of young black men show that the huge pool of poorly educated black men are becoming ever more disconnected from mainstream society and to a far greater degree than comparable white or Hispanic men; and

WHEREAS, In the country's inner cities, the studies show, finishing high school is the exception, legal work is scarcer than ever, and prison is almost routine, with incarceration rates climbing for blacks even as urban crime rates have declined; and

WHEREAS, In the year 2000, 65% of black male high school dropouts in their 20's were jobless, that is unable to find work, not seeking it, or incarcerated; by 2004, the share had grown to 72%, compared with 34% of white and 19% of Hispanic dropouts. Even when high school graduates were included, half of black men in their 20's were jobless in 2004, up from 46% in 2000; and

WHEREAS, Alvin Poussaint, a professor of psychiatry at the Harvard Medical School in Boston and author of several books on African-American issues, links the problems of joblessness and violence to education; further, he associated that with an increase in the number of black men who are in prison; with unemployment, many look for alternative ways for making money, and unfortunately that leads to a lot of anti-social and even criminal behavior; and

WHEREAS, Alpha Phi Alpha Fraternity, Inc. established the "Go-to-High-School, Go-to-College" program in 1922, which concentrates on the importance of completing secondary and collegiate education as a road to advancement; and

WHEREAS, Statistics prove the value of this extra impetus in making the difference in the success of young African-American men, given that school completion is the single best predictor of future economic success; and

WHEREAS, It is through the Go-to-High-School, Go-to-College educational initiative that young men receive information and learn strategies that facilitate success; Alpha men provide youth participants with excellent role models to emulate; and

WHEREAS, The Go-to-High-School, Go-to-College educational initiative is a program counseling youth on the importance of post-secondary education while introducing them to promising professions;

through the program, students and their families are provided information about college entrance and financial aid; the counseling thrust is augmented by a vigorous scholarship program for college-bound youth; and

WHEREAS, The members of Alpha Phi Alpha Fraternity, Inc., both current college students and college graduates, many of whom are professional educators, are uniquely positioned to give the proper insight and perspective to the problem of high school dropouts and can play a leading role in developing solutions to reduce the skyrocketing high school dropout rate; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Alpha Phi Alpha Fraternity, Inc. Go-to-High-School, Go-to-College Task Force is created to study the causes and effects of the high rate of high school dropouts and the low college retention rates among African-American males; and be it further

RESOLVED, That the task force shall consist of 5 members appointed by the Speaker of the House and 5 members appointed by the President of the Senate, all of whom shall serve without compensation but shall be reimbursed for their reasonable and necessary expenses from funds appropriated for that purpose; and be it further

RESOLVED, That the task force shall meet initially at the call of the Speaker and the President, shall select one member as chairperson at its initial meeting, shall thereafter meet at the call of the chairperson, shall receive the assistance of State Board of Education staff, and shall file a report of its findings and recommendations for legislative action with the General Assembly on or before January 1, 2009; and that upon filing its report the task force is dissolved; and be it further

RESOLVED, That suitable copies of this resolution be delivered to Alpha Phi Alpha Fraternity, Inc. and the State Board of Education.

SENATE RESOLUTION

The following Senate Joint Resolution, received from the Senate, was read by the Clerk and referred to the Committee on Rules: SENATE JOINT RESOLUTION 77 (Reis).

HOUSE JOINT RESOLUTIONS CONSTITUTIONAL AMENDMENTS FIRST READING

Representative Cross introduced the following:

HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 45

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Sections 2 and 3 of Article IV of the Illinois Constitution as follows:

ARTICLE IV THE LEGISLATURE

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the Senate, by resolution, General Assembly by law shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.

(b) ~~Each Legislative District shall be divided into two Representative Districts. In 2012 1982~~ and every two years thereafter one Representative shall be elected from each Representative District for a term of two years.

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States

citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

(Source: Amendment adopted at general election November 4, 1980.)

SECTION 3. LEGISLATIVE REDISTRICTING

(a) Legislative Districts shall be compact, be contiguous, be ~~and~~ substantially equal in population, reflect minority voting strengths in compliance with all federal voting laws, and consider communities of interest. Representative Districts shall be compact, be contiguous, be ~~and~~ substantially equal in population, reflect minority voting strengths in compliance with all federal voting laws, and consider communities of interest. A Representative District need not be entirely within a single Legislative District.

(b) By April 1 of the year following each Federal decennial census year, the State Board of Elections, by a record vote of a majority of the total number of members authorized by law as provided in Section 5 of Article III, shall designate a computer program for redistricting that meets the requirements of this Section. The designation shall include detailed specifications of the computer program. The Special Masters must use this computer program to produce redistricting maps.

Any computer program designated by the State Board of Elections under this Section shall embody the standards and criteria, as defined by Common Law, as set forth in subsection (a) of this Section.

Any computer program designated by the State Board of Elections under this Section shall not consider the following data:

(1) residency of incumbent legislators;

(2) political affiliations of registered voters;

(3) previous election results; and

(4) demographic information not required to be used by this Section or by the United States Constitution or federal law.

Except as specified in this Section, the computer program shall produce districts in a random manner.

(c) ~~(b)~~ In the year following each Federal decennial census year, the Senate, by resolution adopted by a record vote of two-thirds of the members elected, General Assembly by law shall redistrict the Legislative Districts, and the House of Representatives, by resolution adopted by a record vote of two-thirds of the members elected, shall redistrict the Representative Districts. An adopted redistricting resolution shall be filed with the Secretary of State by the presiding officer of the house that adopted the resolution. Each house shall file an adopted resolution not later than June 30.

~~(d) A~~ If no redistricting plan becomes effective by June 30 of that year, a Legislative District Redistricting Commission shall be constituted by April 1 of the year following each Federal decennial census year not later than July 10. The Commission shall consist of four ~~eight~~ members, no more than two ~~four~~ of whom shall be members of the same political party.

~~The Speaker and Minority Leader of the House of Representatives shall each appoint to the Commission one Representative and one person who is not a member of the General Assembly. The President and Minority Leader of the Senate shall each appoint two persons to the Commission one Senator and one person who is not a member of the General Assembly.~~

The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission. The Commission may hold public hearings and collect information regarding the redistricting of Legislative

Districts.

If the Senate has failed to file a redistricting resolution with the Secretary of State by June 30, the Commission, by resolution adopted by record vote of at least three Commissioners, shall redistrict the Legislative Districts.

Not later than July 31, the Commission shall file an adopted resolution with the Secretary of State. If the Commission fails to file an adopted resolution by July 31, the Chief Justice of the Supreme Court and a Supreme Court Judge selected by the Supreme Court Judges from a political party other than the political party of the Chief Justice shall jointly appoint one person to act as Special Master to redistrict the Legislative Districts, who may not be the same person appointed Special Master under subsection (e). A Special Master must be a retired federal judge who has not held a partisan elected office within the past five years. The Special Master shall be appointed and certified to the Secretary of State not later than August 10. The Special Master shall file a redistricting map of the Legislative Districts with the Secretary of State not later than September 5.

(e) A Representative District Redistricting Commission shall be constituted by April 1 of the year following each Federal decennial census year. The Commission shall consist of four members, no more than two of whom shall be members of the same political party.

The Speaker and Minority Leader of the House of Representatives shall each appoint two persons to the Commission.

The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission. The Commission may hold public hearings and collect information regarding the redistricting of Representative Districts.

If the House of Representatives has failed to file a redistricting resolution with the Secretary of State by June 30, the Commission, by resolution adopted by record vote of at least three Commissioners, shall redistrict the Representative Districts.

Not later than July 31, the Commission shall file an adopted resolution with the Secretary of State. If the Commission fails to file an adopted resolution by July 31, the Chief Justice of the Supreme Court and a Supreme Court Judge selected by the Supreme Court Judges from a political party other than the political party of the Chief Justice shall jointly appoint one person to act as Special Master to redistrict the Representative Districts, who may not be the same person appointed Special Master under subsection (d). A Special Master must be a retired federal judge who has not held a partisan elected office within the past five years. The Special Master shall be appointed and certified to the Secretary of State not later than August 10. The Special Master shall file a redistricting map of the Representative Districts with the Secretary of State not later than September 5.

~~Not later than August 10, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.~~

~~If the Commission fails to file an approved redistricting plan, the Supreme Court shall submit the names of two persons, not of the same political party, to the Secretary of State not later than September 1.~~

~~Not later than September 5, the Secretary of State publicly shall draw by random selection the name of one of the two persons to serve as the ninth member of the Commission.~~

~~Not later than October 5, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.~~

(f) A ~~An approved~~ redistricting resolution or redistricting map plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State.

The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General, but the jurisdiction of the Supreme Court is limited to compelling the discharge of duties and responsibilities set forth in this Section.

(Source: Amendment adopted at general election November 4, 1980.)

SCHEDULE

The State Board of Elections shall proceed, as soon as all the returns are received but no later than 31 days after the election, to canvass the votes given for and against this Constitutional Amendment, as shown by the abstracts of votes cast. If this Constitutional Amendment is approved by either three-fifths of those voting on the question or a majority of those voting in the election, then the State Board of Elections shall declare the adoption of this Constitutional Amendment and it shall, upon declaration of its adoption, take

effect and become a part of the Constitution of this State. This Schedule supersedes and applies notwithstanding any statute to the contrary, and no other requirements, including without limitation proclamation of the results of the vote or notice by publication, are necessary for its effectiveness. This Constitutional Amendment applies to redistricting beginning in 2011 and to the election of members of the General Assembly beginning in 2012.

The foregoing HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 45 was taken up, read in full a first time, ordered reproduced and placed in the Committee on Rules.

**HOUSE JOINT RESOLUTIONS
CONSTITUTIONAL AMENDMENTS
SECOND READING**

HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 44 was taken up and read in full a second time and held on the order of Second Reading.

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 6334. Introduced by Representative Dugan, AN ACT concerning appropriations.

HOUSE BILL 6335. Introduced by Representative Yarbrough, AN ACT concerning appropriations.

SENATE BILLS ON FIRST READING

Having been reproduced, the following bills were taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 786 (Miller), 848 (Stephens), 885 (Saviano), 993 (D'Amico), 1938 (Golar), 1958 (Eddy), 1959 (Holbrook), 1960 (Eddy), 1985 (Molaro), 2002 (Mautino), 2033 (Leitch), 2052 (Beiser), 2085 (Hamos), 2112 (Moffitt), 2113 (Mathias), 2118 (Turner), 2148 (Flider), 2232 (Fritchey), 2254 (Wait), 2256 (Fritchey), 2275 (Turner), 2293 (Chapa LaVia), 2332 (Dunkin), 2348 (Hernandez), 2349 (Berrios), 2354 (Hamos), 2362 (Saviano), 2396 (Froehlich), 2399 (Ryg), 2431 (Osmond), 2482 (Eddy), 2513 (Lyons), 2636 (Osterman), 2640 (Verschoore), 2677 (Riley), 2678 (Chapa LaVia), 2679 (McCarthy), 2686 (Flider), 2687 (Mitchell,J), 2689 (Pihos), 2696 (Hamos), 2707 (Yarbrough), 2718 (Gordon), 2721 (Graham), 2722 (Lang), 2725 (Fritchey), 2734 (Riley), 2743 (Chapa LaVia), 2749 (Moffitt), 2760 (Burke), 2784 (Hoffman), 2820 (Crespo), 2824 (Franks) and 2825 (Yarbrough).

At the hour of 12:22 o'clock p.m., the House Perfunctory Session adjourned.