

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-THIRD GENERAL ASSEMBLY

37TH LEGISLATIVE DAY

FRIDAY, MARCH 28, 2003

10:00 O'CLOCK A.M.

**HOUSE OF REPRESENTATIVES
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37th Legislative Day**

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The House met pursuant to adjournment.

Speaker Madigan in the chair.

Prayer by Reverend Melvin Grimes of the Tabernacle Baptist Church in Moline.

Representative Boland 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:

117 present. (ROLL CALL 1)

By unanimous consent, Representative Acevedo was excused from attendance.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Joseph Lyons replaced Representative Turner in the Committee on Rules on March 25, 2003.

Representative Madigan replaced Representative Brunsvold in the Committee on State Government Administration on March 25, 2003.

Representative Mautino replaced Representative Smith in the Committee on State Government Administration on March 25, 2003.

Representative Yarbrough replaced Representative O'Brien in the Committee on Judiciary II - Criminal Law on March 26, 2003.

Representative May replaced Representative Brosnahan in the Committee on Develop Disabilities Mental Illness on March 26, 2003.

Representative Dunkin replaced Representative Hamos in the Committee on Judiciary I - Civil Law on March 26, 2003.

Representative Acevedo replaced Representative Washington in the Committee on State Government Administration on March 26, 2003.

Representative Osterman replaced Representative Lang in the Committee on Judiciary I - Civil Law on March 27, 2003.

Representative Rita replaced Representative Brosnahan in the Committee on Transportation & Motor Vehicles on March 27, 2003.

Representative McGuire replaced Representative Feigenholtz in the Committee on Human Services on March 27, 2003.

Representative Joseph Lyons replaced Representative Hamos in the Committee on Judiciary I - Civil Law on March 27, 2003.

Representative Miller replaced Representative Hoffman in the Committee on Judiciary I - Civil Law on March 27, 2003.

Representative Hartke replaced Representative Forby in the Committee on Transportation & Motor Vehicles on March 27, 2003.

Representative Will Davis replaced Representative Molaro in the Committee on Transportation & Motor Vehicles on March 27, 2003.

Representative Kelly replaced Representative Fritchey in the Committee on Transportation & Motor Vehicles on March 27, 2003.

LETTER OF TRANSMITTAL

March 28, 2003

Mr. Tony Rossi
Clerk of the House
Room 402 Capitol
Springfield, IL 62706

Dear Tony:

I wish to be recorded as voting “yes” on House Bill 191. If you have any questions, please contact me.

Thank You,
s/Harry Osterman
State Representative

COMMITTEE ON RULES REFERRALS

Representative Currie, Chairperson of the Committee on Rules, reported the following legislative measures and/or joint action motions have been assigned as follows:

Environment & Energy: HOUSE AMENDMENT No. 1 to HOUSE BILL 1729.

Human Services: HOUSE AMENDMENT No. 2 to HOUSE BILL 1843.

Local Government: HOUSE AMENDMENT No. 1 to HOUSE BILL 1751; HOUSE AMENDMENT No. 1 to HOUSE BILL 1755.

Registration & Regulation: HOUSE AMENDMENT No. 1 to HOUSE BILL 2981.

State Government Administration: HOUSE AMENDMENT No. 2 to HOUSE BILL 89; HOUSE AMENDMENT No. 1 to HOUSE BILL 962.

FISCAL NOTES SUPPLIED

Fiscal Notes have been supplied for SENATE BILLS 339, 619, as amended and 1085.

STATE MANDATES FISCAL NOTE SUPPLIED

A State Mandates Fiscal Note has been supplied for HOUSE BILL 2532.

HOME RULE NOTES SUPPLIED

Home Rule Notes have been supplied for HOUSE BILLS 2532, 3190 and 3191.

BALANCED BUDGET NOTES SUPPLIED

Balanced Budget Notes have been supplied for HOUSE BILL 1518, as amended, 2356, as amended, 2532 and SENATE BILL 880.

REQUEST FOR HOME RULE NOTES

Representative Biggins requested that Home Rule Notes be supplied for HOUSE BILLS 3190 and 3191.

Representative Bost requested that a Home Rule Note be supplied for HOUSE BILL 1518, as amended.

REQUEST FOR FISCAL NOTE

Representative Bost requested that a Fiscal Note be supplied for HOUSE BILL 1518, as amended.

REQUEST FOR STATE MANDATES FISCAL NOTE

Representative Bost requested that a State Mandates Fiscal Note be supplied for HOUSE BILL 1518, as amended.

REQUEST FOR BALANCED BUDGET NOTE

Representative Bost requested that a Balanced Budget Note be supplied for HOUSE BILL 1518, as amended.

REQUEST FOR CORRECTIONAL NOTE

Representative Bost requested that a Correctional Note be supplied for HOUSE BILL 1518, as amended.

REQUEST FOR HOUSING AFFORDABILITY IMPACT NOTE

Representative Bost requested that a Housing Affordability Impact Note be supplied for HOUSE BILL 1518, as amended.

REQUEST FOR JUDICIAL NOTE

Representative Bost requested that a Judicial Note be supplied for HOUSE BILL 1518, as amended.

REQUEST FOR LAND CONVEYANCE APPRAISAL NOTE

Representative Bost requested that a Land Conveyance Appraisal Note be supplied for HOUSE BILL 1518, as amended.

REQUEST FOR PENSION NOTE

Representative Bost requested that a Pension Note be supplied for HOUSE BILL 1518, as amended.

REQUEST FOR STATE DEBT IMPACT NOTE

Representative Bost requested that a State Debt Impact Note be supplied for HOUSE BILL 1518, as amended.

MESSAGES FROM THE SENATE

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE JOINT RESOLUTION NO. 29

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the Senate adjourns on Thursday, March 27, 2003, it stands adjourned until Wednesday, April 2, 2003 at 1:00 o'clock p.m.; and when the House of Representatives adjourns it stands adjourned until Friday, March 28, 2003; and when it adjourns on that day, it stands adjourned until Monday, March 31, 2003 at 4:00 o'clock p.m.; and when it adjourns on that day, it stands adjourned until Tuesday, April 1, 2003; and when it adjourns on that day, it stands adjourned until Wednesday, April 2, 2003

Adopted by the Senate, March 27, 2003.

Linda Hawker, Secretary of the Senate

The foregoing message from the Senate reporting their adoption of SENATE JOINT RESOLUTION 29 was taken up for immediate consideration.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE JOINT RESOLUTION NO. 3

WHEREAS, There are almost 6,000 transit agencies in the United States, including 70 transit providers in Illinois; and

WHEREAS, In 2000, Illinois public transit provided over 600,000,000 rides; and

WHEREAS, The Department of Energy estimates that 13% of the 91,600,000 United States households do not own any means of personal transportation, and thus millions of Americans are dependent upon transit, including those individuals with low incomes, the disabled, the elderly, and children; and

WHEREAS, Automobiles consume 21% of this country's energy, and transportation accounts for 27% of greenhouse emissions; transit uses less than 1% of all energy consumed in this country and is a cost-effective way of reducing harmful emissions; and

WHEREAS, Transit provides mobility during crisis, such as earthquakes, snow and ice storms, and other national emergencies; and

WHEREAS, Public transit is critical to workforce development, health care, and education access; and

WHEREAS, Congestion now costs the Chicago Metropolitan Area \$4,000,000,000 per year -- \$1,472 per commuter -- in lost productivity, fuel, and insurance costs; and

WHEREAS, Quality public transit in Illinois would support working families and businesses by providing effective options for connecting workers to jobs and by reducing traffic congestion, which would reduce the air pollution that has contributed to skyrocketing asthma rates; and

WHEREAS, Public transportation is equally important to rural communities throughout the country, where 40% of residents have no access to public transit services and another 28% have negligible access; and

WHEREAS, Effective and efficient public transit systems are essential for improved regional mobility and sound local and state economies; and

WHEREAS, Illinois' transit systems have significant capital needs that have traditionally been supported by crucial federal investment; and

WHEREAS, Illinois ranks 50th of the 50 states and the District of Columbia in federal contribution for operating support for transit; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we urge the United States Congress and the Administration to strongly support any proposals to increase the level of funding for public transportation in the reauthorization of TEA-21 in 2003 and specifically to distribute funding on a basis which assures sufficient funding for both rehabilitation and new capacity needs in states with significant transit ridership and infrastructure; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the U.S. Secretary of Transportation, the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois congressional delegation.

Adopted by the Senate, March 27, 2003.

Linda Hawker, Secretary of the Senate

The foregoing message from the Senate reporting their adoption of SENATE JOINT RESOLUTION 3 was placed in the Committee on Rules.

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

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE JOINT RESOLUTION NO. 4

WHEREAS, The General Assembly takes pride in recognizing the accomplishments and contributions of Illinois officials and citizens; and

WHEREAS, The General Assembly, as an august body, exercises discerning judgement in resolutions to cite the noted achievements of a select individual, especially when bestowing one of the highest methods of recognition by the State; and

WHEREAS, Justice Benjamin K. Miller began serving as Circuit Court Judge in Illinois for the 7th Judicial Circuit in 1976; he was the Presiding Judge in that Circuit's criminal felony division, and in 1981 was the Chief Judge of the 7th Judicial Circuit; he was elected in 1982 to the Fourth District Appellate Court and in 1984 to the Illinois Supreme Court; he served as Chief Justice of the Illinois Supreme Court from 1991 to 1994; and

WHEREAS, Justice Miller served the judicial branch wisely at all three levels of the Illinois court system, wrote numerous landmark judicial opinions, made noble contributions to jurisprudence, and served his profession, the citizens, and the State of Illinois with integrity and distinction; and

WHEREAS, Benjamin Miller has made vital contributions of service and merit to the State of Illinois and to the State's citizens, and he deserves to have his achievements noted and remembered by current and future generations, as they are honored by the General Assembly today; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we rename the 4th District Appellate Court Building at 201 West Monroe Street in Springfield in honor of Justice Benjamin Miller, and in implementing this honor, we designate that court building as the Justice Benjamin Miller 4th District Appellate Court Building; and be it further

RESOLVED, That suitable copies of this preamble and resolution be presented to Justice Benjamin Miller and to the Director of Central Management Services, the Chief Justice of the Illinois Supreme Court, and the other operating authorities for the cited building.

Adopted by the Senate, March 27, 2003.

Linda Hawker, Secretary of the Senate

The foregoing message from the Senate reporting their adoption of SENATE JOINT RESOLUTION 4 was placed in the Committee on Rules.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE JOINT RESOLUTION NO. 24

WHEREAS, Today, the mission of the American Red Cross is more relevant than ever as it confronts a changing America full of unique challenges; the heroic efforts of the first responders to the September 11, 2001 terrorist attacks became a source of strength for millions of people around the world struggling to comprehend this terribly tragedy; from their example came a new resolve, to be better prepared in the event of another wide-scale attack anywhere in America; and

WHEREAS, In a collaborative effort with the State of Illinois, the federal government, and other members of the emergency planning community, the Red Cross and its partners are better able to serve the nation; through its bold, new Together We Prepare initiative, the Red Cross is leading the way in empowering individuals and families to protect themselves; with five simple steps, make a plan, build a kit, get trained, volunteer, and give blood, the Red Cross and Americans from coast to coast will help make their communities safer; and

WHEREAS, For more than 121 years, the American Red Cross has honored its mission to provide relief to victims of disasters while helping people prevent, prepare for, and respond to emergencies; last year alone, more than 27,000 silent heroes in Illinois helped their neighbors by volunteering at their local Red Cross chapter, and 500,000 more took the time to learn lifesaving skills such as first aid, CPR, and defibrillator use; thousands of Illinoisans rolled up their sleeves to donate over 100,000 gifts of blood and blood products, the gift of life, through the American Red Cross, and over 31,000 people across Illinois turned to the American Red Cross for disaster education training; and

WHEREAS, All of these services, and many others, are provided through 36 locally governed and supported Red Cross chapters and 5 Blood Services regions; community involvement is critical for programs that prepare individuals, families, and neighborhoods for emergencies; through its presence across the country, the Red Cross is the leader in empowering people in every neighborhood to be ready and prepared for the unexpected; and

WHEREAS, The victims of more than 2,500 disasters, from fires that affected a single structure to large-scale events such as floods that devastated central Illinois, tornadoes that ravaged southern Illinois, and other emergency events across the State, received help from the Red Cross last year; the Red Cross also responded to international emergencies by aiding other countries devastated by natural disasters and helping people in other nations get access to safe drinking water and battle malnutrition and life-threatening diseases such as measles; more than 13,000 Illinois military families received direct assistance from the Red Cross, keeping them connected in times of great personal sorrow and joy; and

WHEREAS, Those who need blood, those who are victims of disaster, or those who are the recipients from the broad spectrum of community services rely on the American Red Cross every day; compassionate and caring people who wanted to make a difference in their community and across the nation, at home and abroad, channeled their support through the American Red Cross; and

WHEREAS, The State of Illinois and the American Red Cross have worked strongly together to make our communities safer; the American Red Cross was an original member of the Illinois Terrorism Task Force and makes important contributions to our State efforts for homeland security; the State of Illinois is proud of its relationship with the American Red Cross; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we proclaim March 2003 as American Red Cross Month in Illinois and urge all our citizens to become partners in preparedness with their local Red Cross chapters and to become active participants in advancing the noble mission of the Red Cross; and be it further

RESOLVED, That we applaud and recognize the selfless dedication of generations of Red Cross volunteers and staff; and be it further

RESOLVED, That a suitable copy of this resolution be presented to David T. McLaughlin, Chairman of the American Red Cross.

Adopted by the Senate, March 27, 2003.

Linda Hawker, Secretary of the Senate

The foregoing message from the Senate reporting their adoption of SENATE JOINT RESOLUTION 24 was placed in the Committee on Rules.

A message from the Senate by
Ms. Hawker, 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. 28
Concurred in the Senate, March 27, 2003.

Linda Hawker, Secretary of the Senate

CHANGE OF SPONSORSHIP

Representative Brunsvold asked and obtained unanimous consent to be removed as chief sponsor and Representative Smith asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 120.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Granberg asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 962.

Representative Cross asked and obtained unanimous consent to be removed as chief sponsor and Representative Sacia asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 1950.

Representative Bradley asked and obtained unanimous consent to be removed as chief sponsor and Representative Burke asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 2618.

SENATE BILLS ON FIRST READING

Having been printed, the following bill was taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 356, 410, 505, 897, 1047, 1075, 1204, 1412, 1523, 1542 and 1853.

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 168

Offered by Representatives Brady, Hoffman, McCarthy and Turner:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to thank Victor J. Boschini, Jr. for his work as President of Illinois State University; and

WHEREAS, Dr. Boschini assumed the presidency at Illinois State University on July 1, 1999; he originally came to ISU in 1997 as Vice President for Student Affairs; he is also an Associate Professor in

the Educational Administration and Foundations Department in ISU's College of Education; and

WHEREAS, Currently, Dr. Boschini is serving a term as a member of the Board of Directors of the Illinois Campus Compact which is a coalition of Illinois college and university presidents committed to helping students develop the values and skills of citizenship through participation in public and community service; and

WHEREAS, Dr. Boschini serves in the Bloomington-Normal community as a member of the Bromenn Healthcare Board, the Chestnut Health Systems Board of Directors, and the State Farm Company Mutual Funds Board; and

WHEREAS, Prior to his position at ISU, he was a member of the administration at Butler University in Indianapolis, Indiana, where he was Associate Provost; he also taught at Butler in the College of Education; and

WHEREAS, Dr. Boschini and his wife, Megan, have four children, Elizabeth Anne, Mary Catherine, Edward Mark, and Margaret Ellen; they have been very active in the Bloomington-Normal community and have supported ISU with warmth, friendliness, energy, and enthusiasm; and

WHEREAS, Dr. Boschini will be leaving his position as President of ISU; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we thank Dr. Boschini for his service to Illinois State University; and be it further

RESOLVED, That a suitable copy of this resolution be presented to President Victor J. Boschini, Jr. as a token of our respect and esteem and with our best wishes for success in his future endeavors.

HOUSE RESOLUTION 170

Offered by Representative Osmond:

WHEREAS, It has come to the attention of the members of the House of Representatives that Lindenhurst Village President Paul Baumunk is retiring from his position after 12 years of service; and

WHEREAS, Paul Baumunk has served as Village President since April 22, 1991; and

WHEREAS, He received a Bachelor degree in Education from Mankato State University and a Masters degree in Education from Northern Illinois University; Mr. Baumunk is a Vietnam Veteran; and

WHEREAS, Mr. Baumunk taught at Lake Forest High School from 1970 to 1977 and the College of Lake County Vocational Center from 1978 to 2001; he retired from teaching after a thirty year career; and

WHEREAS, Mr. Baumunk has been married to his wife Joy Baumunk for 32 years and they have two children, Philip and Amy; and

WHEREAS, He is a member of the VFW Post #4894, the Lyons Club, the Chamber of Commerce, and the Lindenhurst Men's Club; in addition, he has served on the Lindenhurst Plan Commission and the Lindenhurst Lakes Commission; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Paul Baumunk as he retires from his position as Village President of Lindenhurst and wish him well in all of his future endeavors; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Paul Baumunk as an expression of our respect and esteem.

HOUSE RESOLUTION 174

Offered by Representatives Bailey, Bassi, Bellock, Berrios, Chapa LaVia, Collins, Coulson, Currie, Monique Davis, Feigenholtz, Flowers, Graham, Hamos, Howard, Jakobsson, Jones, Kelly, Kosel, Krause, Kurtz, Eileen Lyons, May, Mendoza, Mulligan, Munson, Nekritz, O'Brien, Osmond, Pankau, Pihos, Ryg, Slone, Soto, Yarbrough and Younge:

WHEREAS, Women have contributed greatly to our society; they are pioneers in every sense of the word and have laid the foundation for the future; and

WHEREAS, Many women have sacrificed their lives to improve our society by challenging the status quo and using themselves as examples for future generations; it is courageous women like Susan B.

Anthony and Elizabeth Cady Stanton who in 1849 formed the National Woman Suffrage Association to achieve voting rights for women through a Congressional amendment to the Constitution; their goal was achieved in 1920 when the 19th Amendment to the Constitution, granting women the right to vote, was signed; there is also Rosa Parks who is considered by many to be the mother of the civil rights movement; and

WHEREAS, Many women established themselves long before the right to vote was granted to them; and

WHEREAS, Elizabeth Blackwell in 1849 was the first woman in the United States with a medical degree and Arabella Mansfield in 1869 became the first woman lawyer in the United States when she was granted admission to practice law; in 1870, Ada H. Kepley of Illinois graduated from Union College of Law in Chicago, making her the first woman to graduate from a law school; and

WHEREAS, In 1872, Victoria Claflin Woodhull became the first woman presidential candidate in the United States when nominated by the National Radical Reformers; another first is Margaret Chase Smith of Maine, who became the first woman to be nominated by a major political party, the Republican Party, when she was nominated for President of the United States in 1964; and

WHEREAS, Women have been holding public office since 1887, when Susanna Medora Salter was elected the first woman mayor of Argonia, Kansas, becoming the first woman to be elected mayor of an American town; in 1916, Jeannette Rankin of Montana was the first woman elected to the United States House of Representatives; Nellie Tayloe Ross, the first female governor, was elected in the fall of 1924 to succeed her deceased husband as Governor of the State of Wyoming; in 1932, Hattie Wyatt Caraway of Arkansas became the first woman elected to the United States Senate; Margaret Chase Smith was the first woman elected to both houses of Congress, serving 8 years in the House of Representatives and 24 years in the United States Senate, she was also the first Senator to courageously challenge Senator Joseph McCarthy's brutal tactics and anti-communist crusade on June 1, 1950; Shirley Chisholm of New York was the first African-American woman to serve in Congress and run for President of the United States, and in 1989, Ileana Roslehtinen of Florida became the first Hispanic woman to be elected to the House of Representatives; and

WHEREAS, Many presidents know the invaluable contributions that women make, hence appointing them to important positions of leadership and responsibility; in 1933, Franklin D. Roosevelt appointed Frances Perkins to serve as Secretary of Labor, making her the first woman to serve on a presidential cabinet; Sandra Day O'Connor became the first female justice on the Supreme Court when President Reagan appointed her to the Supreme Court in 1981; President Bush appointed Antonia Novell in 1990 to the position of Surgeon General of the United States making her the first woman and the first Hispanic to hold this position; Janet Reno was the first woman United States Attorney General when appointed by President Clinton in 1993, and Madeleine Albright was sworn in as U.S. Secretary of State in 1997, making her the first woman to hold this position and the highest ranking woman in the U.S. government; Rosario Marin became the first Hispanic woman to be appointed as Treasurer of the United States and currently serves with Condolezza Rice, the first woman national security adviser; and

WHEREAS, The great State of Illinois has also established its firsts in the history of women; Illinois was one of the first states to adopt an amendment granting women the right to vote in 1913, long before the amendment to the constitution was adopted; since then, it has witnessed the election of Carol Moseley-Braun, the first African-American woman elected to the United States Senate in 1992 and Judy Baar Topinka who is the first woman Treasurer for the State of Illinois and the first woman to be elected to a third term for a State-wide office; Corinne Wood became the first female Lieutenant Governor in 1999, and in 2003, Lisa Madigan became the first woman elected to the position of Attorney General; and

WHEREAS, Women have made history by being the first to achieve explorations of great risk and courage; Amelia Earhart made history in 1932 when she became the first woman to fly solo across the Atlantic; in 1923, Dr. Sally K. Ride became the first American woman to be sent into space, and Lt. Col. Eileen Collins was the first woman astronaut to command a space shuttle mission in 1999; and

WHEREAS, Female leaders such as Linda Chavez-Thompson, the highest ranking person of color in U.S. labor history, is a leading champion in the campaign to revitalize the United States labor movement and direct the union's successful organizing and legislative efforts in states that are unfriendly to labor; Harilyn Rousso is an activist for disabled persons' and women's rights; Wilma L. Vaught, Brigadier General, USAF, is one of the most highly decorated military women in U.S. History; Yuri Kochiyama, who has worked tirelessly to build alliances between diverse cultural groups through social justice; Mae C. Jemison, a Chicago native, who was the first woman of color to go into space aboard the space shuttle Endeavour on September 12, 1992, is now founder and president of two technology companies; Ellen

Ochoa Ph.D., the first Hispanic female astronaut and Deputy Director of Johnson Space Center; and Rebecca Walker a strong voice in young women calling for social change, are among the pioneering women who have led the way and confronted challenges to bring about equality and opportunity for all women; women have made great contributions in the arts and sciences, won struggles for humanistic causes of equality and civil rights, created and advanced educational and professional opportunities, and encouraged women to expand on these achievements to create possibilities for generations to come; and

WHEREAS, Women have also contributed to our country's freedom by risking their most precious gift, their life, to defend the United States and ensure a democratic future without the threats of terrorism or attacks; women like Specialist Shoshana Johnson, Prisoner of War(POW), from the War on Iraq whom we honor and thank for her allegiance and bravery; and

WHEREAS, The Conference of Women Legislators wishes to acknowledge March as Women's History Month and salute all the courageous women who are pioneers of their time and who devoted their lives to contribute to our great country and the world; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we commemorate Women's History Month and honor those individuals who have paved the way and inspired the women of today and the future.

HOUSE RESOLUTION 177

Offered by Representatives Hoffman, Holbrook, Reitz, Stephens and Younge:

WHEREAS, The members of the House of Representatives were saddened to learn of the death of Frank H. Boyne of Belleville on Wednesday, March 19, 2003; and

WHEREAS, Mr. Boyne was born on December 29, 1923 in East St. Louis to Patrick A. and Johanna C., nee Healy, Boyne; he enlisted in the U.S. Navy on the day that he was of age, December 29, 1941; and

WHEREAS, Mr. Boyne valiantly served his country in the U.S. Navy submarine corps; he served on the submarine USS Bumper in the Pacific Theatre during World War II; he was on the regional naval boxing team and had an undefeated amateur career; and

WHEREAS, Following his honorable discharge, Mr. Boyne fought one professional boxing match; it was a victory and he retired undefeated; he will be remembered as someone who never picked a fight, never backed down from a fight, and never lost a fight; and

WHEREAS, Mr. Boyne was a machinist and worked until he retired from the St. Louis Post Dispatch in 1986; he was a member of the Ancient Order of Hibernians, a Bishop Zuroweste Assembly Fourth Degree member of Knights of Columbus Council 592, the International Association of Mechanists, the American Legion, and the Disabled Veterans; he was a former Boy Scout leader and an active member of Blessed Sacrament Parish; he was a member of the Belleville Democratic Club and a lifelong member of the Democratic Party; and

WHEREAS, Mr. Boyne was elected to serve as Belleville city alderman in 1979 and was elected to the St. Clair County Board in 1982, where he served for over 20 years; he was appointed St. Clair County Board vice-chairman and devoted his life to the betterment of St. Clair County; and

WHEREAS, Mr. Boyne will be remembered as a family man; his family was his passion; his passing has been deeply felt by all who knew him, especially his wife of 51 years, Mary M., nee Downey, Boyne; his four children, John Boyne, Kevin Boyne, Maureen (Dennis) Munch, and Terrance Boyne; his seven grandchildren, Christopher, Zachary, Madelyn, Augie, and Alexander Boyne, and Courtney and Colin Munch; his brother-in-law, Ernest Blaise; and his nieces, nephews, cousins, and many dear friends; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Frank H. Boyne and extend to his family and friends our sincere condolences; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Frank H. Boyne as a token of our deepest sympathy.

HOUSE RESOLUTION 178

Offered by Representative Coulson:

WHEREAS, The members of the House of Representatives of the State of Illinois were saddened to learn of the death of eight British soldiers and four United States Marines when a CH-46 Sea Knight helicopter crashed in Kuwait about nine miles away from the Iraqi border town of Umm Qasr on March 20, 2003; and

WHEREAS, The four Marines are Maj. Jay Thomas Aubin, 36, of Waterville, Maine; Capt. Ryan Anthony Beaupre, 30, of St. Anne, Illinois; Cpl. Brian Matthew Kennedy, 25, of Houston, Texas; and Staff Sgt. Kendall Damon Watersbey, 29, of Baltimore, Maryland; and

WHEREAS, Cpl. Brian Matthew Kennedy, attached to the 1st Marine Expeditionary Force based at Camp Pendleton, California was a hydraulics mechanic and the crew chief of the CH-46 Sea Knight helicopter, was born on October 1, 1977 in Evanston Hospital and grew up in Glenview, Illinois, a Chicago suburb of approximately 38,000 persons; and

WHEREAS, He graduated from Glenbrook South High School in Glenview in 1995 where he was an offensive guard on the football team, helping the team reach the conference championship game; as a junior, he played lacrosse, competed in track and was a member of the National Honor Society; and

WHEREAS, He studied mechanical engineering and played lacrosse at Purdue University, transferred to Texas Tech University in 1998, and joined the Marines in spring 1999 following in the footsteps of his grandfather, John W. Kennedy, a Marine who served in Okinawa during World War II; and

WHEREAS, He was based at Camp Pendleton, California and planned to return to Purdue University to study aeronautical engineering; and

WHEREAS, The passing of Cpl. Brian Matthew Kennedy will be deeply felt by all who knew him, especially his father, Mark Kennedy; his mother, Melissa Derbyshire; and his sister, Gretchen Helgeson; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that together with his family, friends, educators, community, and fellow members of the United States Armed Forces, we mourn the death of Cpl. Brian Matthew Kennedy, who will be remembered as a patriotic, brave and courageous Marine, and offer our deepest sympathy to all who knew and loved him; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Cpl. Brian Matthew Kennedy as an expression of our sincerest condolences.

HOUSE RESOLUTION 179

Offered by Representative Granberg:

WHEREAS, The members of the Illinois House of Representatives congratulate Mike Beard on his retirement as President of the Jefferson County Chamber of Commerce; and

WHEREAS, Mr. Beard has been a member of the Jefferson County Chamber of Commerce board since 1997 and has served as President since 2002; previously, he served as Vice President of the Educational Clearing House and Membership development; and

WHEREAS, Mr. Beard served as Assistant District Governor of Rotary International District 6510 from 2001 to 2003 and served as President from 1999-2000; in addition, he has served as Administrative Board President of United Methodist Church and President and Board Member of the Human Services Networking Council; and

WHEREAS, In 2000, Mr. Beard was named "Citizen of the Year" by the Mt. Vernon Elks Lodge #819; he is also a member of the Professional Independent Insurance Agents of Illinois; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Mike Beard on his retirement from the Jefferson County Chamber of Commerce and wish him good health and happiness in all of his future endeavors; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Mike Beard with our respect and esteem.

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were printed and laid upon the Members' desks. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative McGuire, HOUSE BILL 2658 was taken up and read by title a third time. A three-fifths vote is required.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 72, Yeas; 35, Nays; 9, Answering Present.

(ROLL CALL 2)

This bill, having received the votes of three-fifths of the Members elected, was declared passed. Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Daniels, HOUSE BILL 74 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; 3, 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.

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 10:45 o'clock a.m..

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were printed and laid upon the Members' desks. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Sullivan, HOUSE BILL 2412 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: 110, Yeas; 6, Nays; 1, 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 Cross, HOUSE BILL 191 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: 95, Yeas; 19, Nays; 3, 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.

RECALL

By unanimous consent, on motion of Representative Phelps, HOUSE BILL 1518 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

HOUSE BILLS ON SECOND READING

HOUSE BILL 2880. Having been printed, was taken up and read by title a second time. Representative Daniels offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2880 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Human Services Act is amended by changing Section 80-5 and the Article 80 heading as follows:

(20 ILCS 1305/Art. 80 heading) ARTICLE 80. EVALUATION AND TRANSITION PROVISIONS
(20 ILCS 1305/80-5)

Sec. 80-5. Task Force on the Department of Human Services Consolidation.

(a) There is hereby established a Task Force on the Department of Human Services Consolidation.

(b) The Task Force shall consist of 7 voting members, as follows: one person appointed by the Governor, who shall serve as chair of the Task Force; 2 members appointed by the President of the Senate, one of whom shall be designated a vice chair at the time of appointment; one member appointed by the Senate Minority Leader; 2 members appointed by the Speaker of the House of Representatives, one of whom shall be designated a vice chair at the time of appointment; and one member appointed by the House Minority Leader.

Members appointed by the legislative leaders shall be appointed for the duration of the Task Force; in the event of a vacancy, the appointment to fill the vacancy shall be made by the legislative leader of the same house and party as the leader who made the original appointment. The Governor may at any time terminate the service of the person appointed by the Governor and reappoint a different person to serve as chair of the Task Force.

The following persons (or their designees) shall serve, ex officio, as nonvoting members of the Task Force: the Director of Public Health, the Director of Public Aid, the Director of Children and Family Services, the Director of the Bureau of the Budget, and the Secretary of Human Services, until their offices are abolished, the Director of Mental Health and Developmental Disabilities, the Director of Rehabilitation Services, and the Director of Alcoholism and Substance Abuse. The Governor may appoint up to 3 additional persons to serve as nonvoting members of the Task Force, who may be technical consultants from; such persons shall be officers or employees of a constitutional office or of a department or agency of the executive branch.

The Task Force may begin to conduct business upon the appointment of a majority of the voting members. If the chair has not been appointed but both vice chairs have been appointed, the 2 vice chairs shall preside jointly. If the chair has not been appointed and only one vice chair has been appointed, that vice chair shall preside.

Members shall serve without compensation but may be reimbursed for their expenses.

(c) The Task Force shall gather information and make recommendations relating to the performance of the Illinois Department of Human Services since its creation under this Act, with respect to its success in achieving the goals and objectives of the human services consolidation, the effectiveness of its structure and function, and its impact on the delivery of programs and services, planning, organization, and implementation of human services consolidation. The Task Force shall work to assure that the human services delivery system is meeting meets and adhering adheres to the goals of quality, efficiency, accountability, and financial responsibility; to make recommendations in keeping with those goals concerning the design, operation, and organizational structure of the new Department of Human Services; and to recommend any necessary implementing legislation for the improvement of programs and services under the jurisdiction of the Department of Human Services.

The Task Force shall evaluate monitor the implementation of human service program reorganization and shall study its effect on the delivery of services to the citizens of Illinois. The Task Force shall make recommendations to the Governor and the General Assembly regarding the effect of the future

consolidation of human service programs and functions.

(d) The Task Force shall:

(1) review and make recommendations on the organizational structure of the ~~new~~ Department of Human Services;

(2) review the status of ~~and approve~~ plans for a unified electronic management and intake information and reporting system as provided in Section 1-25, and monitor ~~and guide~~ the implementation of the system;

(3) review the progress that the Department has made toward ~~and make recommendations on~~ the consolidation or elimination of fragmented or duplicative programs;

(4) monitor and review the progress that the Department has made on maximizing ~~make recommendations on how best to maximize~~ future federal funding for the ~~new~~ Department of Human Services, with specific ~~specifically including~~ consideration of any federal Medicaid, welfare, or block grant reforms that have been authorized to enhance State programs and services ~~reform~~;

(5) review the progress that the Department has made ~~and make recommendations~~ on geographic regionalization;

(6) review the progress that the Department has made ~~and make recommendations~~ on the development of common intake and client confidentiality processes;

(7) review the progress that the Department has made with respect ~~and make recommendations~~ to ~~foster~~ effective community-based privatization;

(8) obtain a management audit of the Department of ~~Human Services Children and Family Services~~, to be completed and submitted to the Task Force no later than March 1, 2004, which shall include a preliminary review and findings regarding the effect that the consolidation has had on programs and services for the mentally ill and developmentally disabled, individuals currently receiving services under the Office of Rehabilitation Services, and individuals in the substance abuse prevention and treatment programs ~~July 1, 1997~~; and

(9) review any other appropriate matter and make recommendations to assure a high quality, efficient, accountable, and financially responsible system for the delivery of human services to the people of Illinois.

(e) The Task Force may hire any necessary staff or consultants, enter into contracts, and make any expenditures necessary for carrying out its duties, all out of moneys appropriated for that purpose. Staff support services may be provided to the Task Force by the Office of the Governor, the agencies of State government represented on the Task Force by ex officio members ~~directly involved in the reorganization of the delivery of human services~~, and appropriate legislative staff.

(f) The Task Force may establish an advisory committee to ensure maximum public participation in the Task Force's planning, organization, and implementation review process. If established, the advisory committee shall (1) advise and assist the Task Force in its duties, (2) help the Task Force to identify issues of public concern, and (3) meet at least quarterly.

(g) The Task Force shall submit preliminary reports of its findings and recommendations to the Governor and the General Assembly by January 1, 2004 and March 1, 2004, and a final report by September 1, 2004 ~~February 1, 1997 and February 1, 1998 and a final report by January 1, 1999~~. It may submit other reports as it deems appropriate.

(h) The Task Force is abolished on January 1, 2005 ~~February 1, 1999~~. (Source: P.A. 89-506, eff. 7-3-96.)

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

The motion prevailed and the amendment was adopted and ordered printed.

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 1352. Having been read by title a second time on March 26, 2003, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Granberg, HOUSE BILL 1543 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: 117, 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.

HOUSE BILLS ON SECOND READING

HOUSE BILL 2598. Having been printed, was taken up and read by title a second time. Representative Younge offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2598 by replacing line 33 on page 4 and lines 1 through 5 on page 5 with the following:

"(b) Project ~~Objection~~. Subject to appropriation, one small project may be selected to pilot a subsidized employment to Temporary Assistance for Needy Families (TANF) program for participants for a period of not more than 6 months. The selected projects shall demonstrate their ability to move clients from participation in the project to unsubsidized employment. The Department may refer TANF participants to other subsidized employment programs available through the Workforce Investment Act (WIA) One Stops or through other community-based programs. ~~No project may be selected under~~".

The motion prevailed and the amendment was adopted and ordered printed.

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 printed and laid upon the Members' desks. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Kurtz, HOUSE BILL 339 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; 49, Nays; 5, 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.

On motion of Representative Mautino, HOUSE BILL 3656 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: 116, 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.

HOUSE BILLS ON SECOND READING

HOUSE BILL 40. Having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 40 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the State Loan Act.

Section 5. Definitions. As used in this Act:

"State loan" means any loan of \$50,000 or more made by the State of Illinois or any State agency to any person for any purpose except for participation loans or financial transactions through statutorily-authorized financial intermediaries in support of small business loans and investments.

"State agencies" has the meaning ascribed to that term in Section 1-7 of the Illinois State Auditing Act.

"Person" means any individual, corporation, partnership, unincorporated association, limited liability company, limited liability partnership, or other entity.

"Designated individuals" means:

(i) In the case of a partnership, all general and limited partners of the partnership.

(ii) In the case of a corporation, all shareholders with 10% or more equity or ownership interest in the corporation.

(iii) In the case of one or more individuals, all of the individuals.

(iv) In the case of any other entity, all individuals with any equity or ownership interest in the entity.

Section 10. Disclosure. Each contract providing for a State loan shall contain a disclosure setting forth the names and addresses of each designated individual of the person receiving the loan. The contract must state that this disclosure is a public record and is not subject to any exemptions or exceptions under the Freedom of Information Act. A State agency making, renegotiating, or renewing a State loan shall maintain a publicly-available record of the names and addresses of each person and each designated individual of the person receiving, renegotiating, or renewing a State loan.

Section 15. Guarantee. Before any State loan may be made to any person or renewed or renegotiated, each designated individual of the person must personally guarantee repayment of the loan. A guarantee remains in effect until the loan has been repaid in full. A guarantee may not be rescinded or abrogated under any circumstances. Any agreement that purports to rescind or abrogate a guarantee is null and void.

Section 20. Certain contracts prohibited. No State agency may enter into any contract with any person if the person or any designated individual of the person is in default on any State loan. The person and each designated individual of the person receiving a State loan must certify to the State agency that he or she is not delinquent in the payment of any debt to the State. The contract must provide that the contract may be declared void if the certification is false or the contractor later becomes delinquent and has not entered into a deferred payment plan to pay off the debt.

Section 25. Disclosure of contributions. No State agency shall make, renew or renegotiate a State Loan unless the person and each designated individual of the person discloses all contributions, in excess of \$20, made by the person and each designated individual of the person receiving, renewing, or renegotiating a State loan. This disclosure shall be made for the 2-year period preceding the submission of an application for a State Loan. "Contributions" has the same meaning set forth in Section 9-1.4 of the Election Code, and the disclosure shall include contributions made to a political committee as defined in Section 9-1.9 of the Election Code. The contract must state that this disclosure is a public record and is not subject to any exemptions or exceptions under the Freedom of Information Act. A State agency making, renegotiating, or renewing a State loan shall maintain a publicly-available record of these contributions.

Section 30. Default; Attorney General investigation. In the case of any default on a State loan, the State agency making the loan shall notify the Attorney General. The Attorney General shall investigate the

circumstances of the default. Unless the Attorney General determines that the loan is uncollectible, the Attorney General shall take appropriate action to collect any amount owing to the State and enforce the State's rights under the loan agreement.

Section 35. Uncollected State Claims Act and the Illinois State Collection Act of 1986. Any renegotiation of a State Loan resulting in acceptance of an offer in compromise for an amount less than the total amount due and owing on the loan shall require the approval of the Attorney General and must be in compliance with the provisions of the Uncollected State Claims Act and the Illinois State Collection Act of 1986 regarding the reporting and recording of debt collections and the writing off of debts.

Section 40. Report. The Attorney General shall report to the General Assembly by February 1 of each year the following:

- (1) the total number and dollar amount of loans about which the Attorney General was notified in accordance with this Act in the preceding calendar year;
- (2) the total amount actually collected;
- (3) the number of cases by agency; and
- (4) the names and addresses of all designated individuals of any person that is a party to a State loan about which the Attorney General was notified in accordance with this Act in the preceding calendar year.

Section 800. The Uncollected State Claims Act is amended by changing Section 2 as follows:

(30 ILCS 205/2) (from Ch. 15, par. 102)

Sec. 2. (a) When any State agency is unable to collect any claim or account receivable of \$1,000 or more due the agency after having pursued the procedure prescribed by law or applicable rules and regulations for the collection thereof or, if no procedure is so prescribed, then after having undertaken all reasonable and appropriate procedures available to the agency to effectuate collection, the State agency shall request the Attorney General to certify the claim or account receivable to be uncollectible.

(b) Each request to the Attorney General asking that a claim or account receivable of \$1,000 or more be declared uncollectible shall be in a format prescribed by the Attorney General and shall include at a minimum the following information: debtor's name, debtor's social security number or comparable identifying number, debtor's last known address, nature of the debt, efforts made to collect the debt and the time period covered by those efforts, the age of the debt, the age of the debtor and the specific reason the State agency believes the debt to be uncollectible. Nothing in this provision should be interpreted as a limitation on the authority of the Attorney General to require additional information that he may find to be necessary to evaluate requests sent him pursuant to this provision.

(c) Claims or accounts receivable of less than \$1,000 may be certified as uncollectible by the agency when the agency determines that further collection efforts are not in the best economic interest of the State. Such determination shall be made in accordance with rules of the Comptroller.

(d) If any item of information required by this provision or any item of additional information required by the Attorney General is not available, the State agency shall specifically so state in its request to the Attorney General asking that the debt be declared uncollectible.

(e) A State agency participating in a federal student loan program may remove student loans from its records by assigning or referring such student loans to the federal government for collection pursuant to the procedures prescribed by federal laws and regulations.

(f) Claims and receivables due from another State agency may be written off if the agency has pursued all reasonable means of collection and if the amount (1) is payable from an appropriation which has lapsed; (2) may not properly be charged against a current appropriation; and (3) was not originally payable from federal funds, a trust fund or locally held funds. Each agency which writes off claims or receivables pursuant to this subparagraph shall submit a listing of all such write-offs to the Comptroller within 60 days of taking such action.

(g) Debts certified as uncollectible may be reopened for collection by an agency upon the approval of the Attorney General.

(h) Agencies shall submit a list of debts certified as uncollectible to the Comptroller in the form and manner specified by the Comptroller. The Comptroller shall take reasonable steps to accept information on agency computer tapes.

(i) After compliance with all provisions of this Section, an agency may delete from its records debts certified as uncollectible as follows:

- (1) When the debt is less than \$1,000, immediately upon certification by the agency;
- (2) For debts of \$1,000 or more that are less than 5 years old, when the agency determines pursuant to rules and regulations promulgated by the Comptroller that such deletion is in the best economic interest of the State;

(3) For debts of \$1,000 or more when, the debt is more than 5 years old.

(j) The Attorney General shall report to the General Assembly by February 1 of each year the following:

(1) the total number and dollar amount of debts referred to him for collection in the preceding calendar year;

(2) the total amount actually collected;

(3) the number of cases by agency.

(k) Each State agency shall report in its annual report the total amount and the number of claims due and payable to the State. Each agency shall also describe in its annual report the method used in collecting debts, whether by a private collection service or by the Attorney General.

(l) The provisions of Section 2505-250 of the Department of Revenue Law (20 ILCS 2505/2505-250) take precedence over the provisions of this Section.

(m) Any renegotiation of a State Loan, resulting in acceptance of an offer in compromise for an amount less than the total amount due and owing on the loan shall require the approval of the Attorney General and shall comply with the reporting and uncollectible certification requirements of this Act. (Source: P.A. 91-239, eff. 1-1-00.)

Section 900. The Illinois State Collection Act of 1986 is amended by changing Section 4 as follows:

(30 ILCS 210/4) (from Ch. 15, par. 154)

Sec. 4. (a) The Comptroller shall provide by rule appropriate procedures for State agencies to follow in establishing and recording within the State accounting system records of amounts owed to the State of Illinois. The rules of the Comptroller shall include, but are not limited to:

(1) the manner by which State agencies shall recognize debts;

(2) systems to age accounts receivable of State agencies;

(3) standards by which State agencies' claims may be entered and removed from the Comptroller's Offset System authorized by Section 10.05 of the State Comptroller Act;

(4) accounting procedures for estimating the amount of uncollectible receivables of State agencies; and

(5) accounting procedures for writing off bad debts and uncollectible claims.

(b) State agencies shall report to the Comptroller information concerning their accounts receivable and uncollectible claims in accordance with the rules of the Comptroller, which may provide for summary reporting.

(c) The rules of the Comptroller authorized by this Section ~~shall~~ ~~may~~ specify varying procedures and forms of reporting dependent upon the nature and amount of the account receivable or uncollectible claim, the age of the debt, the probability of collection and such other factors that will increase the net benefit to the State of the collection effort.

(d) The Comptroller shall report annually by March 14, to the Governor and the General Assembly, the amount of all delinquent debt owed to each State agency as of December 31 of the previous calendar year.

(e) Any renegotiation of a State Loan resulting in acceptance of an offer in compromise for an amount less than the total amount due and owing on the loan shall require the approval of the Attorney General and shall comply with the reporting and uncollectible certification requirements of this Act. (Source: P.A. 86-515.)

Section 999. Effective date. This Act takes effect upon becoming law."

Floor Amendment No. 2 remained in the Committee on Rules.

Representative Lang offered the following amendments and moved their adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 40, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 3, by deleting lines 5 through 21.

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 40, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, line 7, by changing "loan of" to "loan of, or combination of loans totaling".

The motion prevailed and the amendments were adopted and ordered printed.

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

HOUSE BILL 1482. Having been printed, was taken up and read by title a second time. Representative Schmitz offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1482 on page 4, line 4, after "Office" by inserting "and shall be accompanied by proof of general liability insurance in an amount not less than \$2,000,000"; and on page 4, by replacing lines 5 through 28 with the following:

"(a) After December 1, 2003, all pyrotechnic displays, both indoor and outdoor, must comply with the requirements set forth in this Act."; and

by replacing lines 33 and 34 on page 4 and line 1 on page 5 with the following:

"who presents a current BATF license and a local fireworks display permit from the local fire chief or his or her designee. Applicants for a license must submit to"; and

on page 19, by replacing line 5 with the following:

"display shall be in full compliance with the 2000 edition of the National Fire Protection Association 1123 Code for Fireworks Display or with the 2001 edition of the National Fire Protection Association Standard for the Use of Pyrotechnics before a Proximate Audience and shall not be hazardous to property or endanger any".

The motion prevailed and the amendment was adopted and ordered printed.

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 184. Having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 184 by replacing everything after the enacting clause with the following:

"Section 5. The Animal Control Act is amended by changing Sections 2.01, 2.02, 2.03, 2.05, 2.07, 2.16, 2.17, 2.18, 3, 5, 7.1, 8, 9, 10, 11, 12, 13, 15, 17, 18, 19, 22, 24, and 26, and by adding Sections 2.04a, 2.05a, 2.11a, 2.12a, 2.17a, 2.17b, 2.18a, 2.19a, 2.19b, 15.1, 15.2, and 15.3 as follows:

(510 ILCS 5/2.01) (from Ch. 8, par. 352.01)

Sec. 2.01. "Administrator" means a veterinarian licensed by the State of Illinois and appointed pursuant to this Act, or in the event a veterinarian cannot be found and appointed pursuant to this Act, a non-veterinarian may serve as Administrator under this Act. In the event the Administrator is not a veterinarian, the Administrator shall defer to the veterinarian regarding all medical decisions. his or her duly authorized representative. (Source: P.A. 78-795.)

(510 ILCS 5/2.02) (from Ch. 8, par. 352.02)

Sec. 2.02. "Animal" means every living creature ~~any animal~~, other than man, which may be affected by rabies. (Source: P.A. 78-795.)

(510 ILCS 5/2.03) (from Ch. 8, par. 352.03)

Sec. 2.03. "Animal Control Warden" means any person appointed by the Administrator ~~and approved by the Board~~ to perform the duties set forth in ~~as assigned by the Administrator to effectuate~~ this Act. (Source: P.A. 78-795.)

(510 ILCS 5/2.04a new)

Sec. 2.04a. "Cat" means all members of the family Felidae.

(510 ILCS 5/2.05) (from Ch. 8, par. 352.05)

Sec. 2.05. "Confined" means restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public. (Source: P.A. 78-

795.)

(510 ILCS 5/2.05a new)

Sec. 2.05a. "Dangerous dog" means any individual dog when unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal in a public place.

(510 ILCS 5/2.07) (from Ch. 8, par. 352.07)

Sec. 2.07. "Deputy Administrator" means a veterinarian licensed by the State of Illinois, appointed by the Administrator, ~~and approved by the Board.~~ (Source: P.A. 78-795.)

(510 ILCS 5/2.11a new)

Sec. 2.11a. "Enclosure" means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

(510 ILCS 5/2.12a new)

Sec. 2.12a. "Impounded" means taken into the custody of the public animal control facility in the city, town, or county where the animal is found.

(510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

Sec. 2.16. "Owner" means any person having a right of property in ~~an a dog or other~~ animal, or who keeps or harbors ~~an a dog or other~~ animal, or who has it in his care, or acts as its custodian, ~~or who knowingly permits a dog or other domestic animal to remain on or about any premise occupied by him.~~ (Source: P.A. 78-795.)

(510 ILCS 5/2.17) (from Ch. 8, par. 352.17)

Sec. 2.17. "Person" means any individual, person, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the State, or any other business unit. (Source: P.A. 78-795.)

(510 ILCS 5/2.17a new)

Sec. 2.17a. "Peace officer" has the meaning ascribed to it in Section 2-13 of the Criminal Code of 1961.

(510 ILCS 5/2.17b new)

Sec. 2.17b. "Police animal" means an animal owned or used by a law enforcement department or agency in the course of the department or agency's work.

(510 ILCS 5/2.18) (from Ch. 8, par. 352.18)

Sec. 2.18. "Pound" ~~or "animal control facility" may be used interchangeably and mean means~~ any facility approved by the Administrator for the purpose of enforcing this Act and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals. (Source: P.A. 78-795.)

(510 ILCS 5/2.18a new)

Sec. 2.18a. "Physical injury" means the impairment of physical condition.

(510 ILCS 5/2.19a new)

Sec. 2.19a. "Serious physical injury" means a physical injury that creates a substantial risk of death or that causes death, serious or protracted disfigurement, protracted impairment of health, or impairment of the function of any bodily organ.

(510 ILCS 5/2.19b new)

Sec. 2.19b. "Vicious dog" means a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon 3 separate occasions.

(510 ILCS 5/3) (from Ch. 8, par. 353)

Sec. 3. The County Board Chairman with the ~~advice and~~ consent of the County Board shall appoint ~~an~~ as Administrator, ~~a veterinarian licensed by this State.~~ Appointments shall be made as necessary to keep this position filled at all times. The Administrator may appoint as many Deputy Administrators and Animal Control Wardens to aid him or her as authorized by the Board. The compensation for the Administrator, Deputy Administrators, and Animal Control Wardens shall be fixed by the Board ~~for services other than for the rabies inoculation of dogs or other animals.~~ The Administrator may be removed from office by the County Board Chairman, with the ~~advice and~~ consent of the County Board.

The Board shall provide necessary personnel, training, equipment, supplies, and facilities, and shall operate pounds or contract for their operation as necessary to effectuate the program. The Board may enter into contracts or agreements with persons to assist in the operation of the program.

The Board shall be empowered to utilize monies from their General Corporate Fund to effectuate the intent of this Act.

The Board is authorized by ordinance to require the registration and microchipping of dogs and cats and ~~shall may~~ impose an individual animal and litter registration fee. All persons selling dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator as required by Board ordinance, including sales, number of litters, and ownership of dogs and cats. The microchip number shall serve as the county animal control registration number. All microchips shall have an operating frequency of 125 kilohertz.

In obtaining information required to implement this Act, the Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law for civil cases in courts of this State.

The Director, ~~and any member of the Board~~ shall ~~each~~ have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.

This Section does not apply to feral cats. (Source: P.A. 87-157.)

(510 ILCS 5/5) (from Ch. 8, par. 355)

Sec. 5. Duties and powers. (a) It shall be the duty of the Administrator or the Deputy Administrator, through sterilization, humane education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary, to control and prevent the spread of rabies ~~in his county~~ and to exercise dog and cat overpopulation control. It shall also be the duty of the Administrator to investigate and substantiate all claims made under Section 19 of this Act.

(b) Counties may by ordinance determine the extent of the police powers that may be exercised by the Administrator, Deputy Administrators, and Animal Control Wardens, which powers shall pertain only to this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may issue and serve citations and orders for violations of this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may not carry weapons unless they have been specifically authorized to carry weapons by county ordinance. Animal Control Wardens, however, may use tranquilizer guns and other nonlethal weapons and equipment without specific weapons authorization.

A person authorized to carry firearms by county ordinance under this subsection must have completed the training course for peace officers prescribed in the Peace Officer Firearm Training Act. The cost of this training shall be paid by the county.

(c) The sheriff and all sheriff's deputies and municipal police officers shall cooperate with the Administrator and his or her representatives in carrying out the provisions of this Act. (Source: P.A. 90-385, eff. 8-15-97.)

(510 ILCS 5/7.1) (from Ch. 8, par. 357.1)

Sec. 7.1. In addition to any other fees provided for under this Act, any county may charge a reasonable fee for the pickup and disposal of dead animals from private for-profit animal hospitals. This fee shall be sufficient to cover the costs of pickup and delivery and shall be deposited in the county's animal control general fund. (Source: P.A. 80-972.)

(510 ILCS 5/8) (from Ch. 8, par. 358)

Sec. 8. Every owner of a dog 4 months or more of age ~~not confined at all times to an enclosed area,~~ shall have each dog cause such dog to be inoculated against rabies by a licensed veterinarian and microchipped at such intervals as may hereafter be established by regulations pursuant to this Act. Every dog shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the Board and which shall be signed by the licensed veterinarian administering the vaccine. Veterinarians who inoculate a dog shall procure from the County Animal Control serially numbered tags, one to be issued with each inoculation certificate. Only one dog shall be included on each certificate. The veterinarian immunizing or microchipping an animal shall provide the Administrator with a certificate of immunization and microchip number. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog inoculated against rabies.

Rabies vaccine for use on animals shall be sold or distributed only to ~~and used only by~~ licensed

veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture ~~and approved by the Department.~~ (Source: P.A. 78-1166.)

(510 ILCS 5/9) (from Ch. 8, par. 359)

Sec. 9. Any dog found running at large contrary to provisions of this Act ~~may~~ shall be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available animal control facility public pound. (Source: P.A. 78-795.)

(510 ILCS 5/10) (from Ch. 8, par. 360)

Sec. 10. When dogs or cats are apprehended and impounded by the Administrator, they must be scanned for the presence of a microchip. The Administrator shall make every reasonable attempt to contact the owner as soon as possible. The Administrator ~~he~~ shall give notice of not less than 10 7 days to the owner prior to disposal of the animal, if known. Such notice shall be mailed to the last known address of the owner. ~~An affidavit or~~ Testimony of the Administrator, or his or her authorized agent, who mails such notice shall be ~~prima facie~~ evidence of the receipt of such notice by the owner of the animal such dog. In case the owner of any impounded dog or cat desires to make redemption thereof, he or she may do so on the following conditions:

- a. present proof of current rabies inoculation, and registration, if applicable, or
- b. pay for the rabies inoculation of the dog or cat, and registration, if applicable, and
- c. pay the pound for the board of the dog or cat for the period it was impounded, ~~and~~
- d. pay into the Animal Control Fund an additional impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense; ~~and-~~
- e. pay for microchipping and registration if not already done.

This shall be in addition to any other penalties invoked under this Act. (Source: P.A. 83-711.)

(510 ILCS 5/11) (from Ch. 8, par. 361)

Sec. 11. When not redeemed by the owner, a dog or cat that has been impounded ~~for failure to be inoculated and registered, if applicable, in accordance with the provisions of this Act or a cat that has been impounded~~ shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act or offered for adoption. An animal pound or animal shelter shall not release any dog or cat when not redeemed by the owner unless the animal has been surgically rendered incapable of reproduction by spaying or neutering and microchipping, or the person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such service performed and microchipping within a specified period of time not to exceed 30 60 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal by the animal pound or shelter, and any monies which have been deposited shall be forfeited. This Act shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Act and other existing laws. No animal shelter or animal control facility shall release dogs or cats to an individual representing a rescue group unless the group has been licensed by the Illinois Department of Agriculture or incorporated as a not-for-profit organization. The Department may suspend or revoke the license of any animal shelter or animal control facility that fails to comply with the requirements set forth in this Section. ~~Any person purchasing or adopting such dog, with or without charge or donation, must pay for the rabies inoculation of such dog and registration if applicable.~~ (Source: P.A. 92-449, eff. 1-1-02.)

(510 ILCS 5/12) (from Ch. 8, par. 362)

Sec. 12. The owner of any ~~dog or other~~ animal which exhibits clinical signs of rabies, whether or not ~~the such dog or other~~ animal has been inoculated against rabies, shall immediately notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, and shall promptly confine ~~the such dog or other~~ animal, or have it confined, under suitable observation, for a period of at least 10 days, unless officially authorized by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, in writing, to release it sooner. Any ~~dog or other~~ animal that has had ~~in~~ direct contact with ~~the such dog or other~~ animal and that, whether or not the exposed dog or other animal has not been inoculated against rabies, shall be confined as recommended by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator. (Source: P.A. 78-795.)

(510 ILCS 5/13) (from Ch. 8, par. 363)

Sec. 13. Dog or other animal bites; observation of animal. (a) Except as otherwise provided in subsection (b) of this Section, when the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator receives information that any person has been bitten by an a dog or other animal, the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of 10 days. The Department may, ~~by regulation,~~ permit such confinement to be

reduced to a period of less than 10 days. ~~A Such~~ veterinarian shall report the clinical condition of the ~~dog or other~~ animal immediately, with confirmation in writing to the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator within 24 hours after the ~~dog or other~~ animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of the such dog or other animal, and whether the animal has been spayed or neutered, on appropriate forms approved by the Department. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report to the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator advising him or her of the final disposition of the such dog or other animal on appropriate forms approved by the Department. When evidence is presented that the such dog or other animal was inoculated against rabies within the time prescribed by law, it ~~shall~~ may be confined in a the house of its owner, or in a manner which will prohibit it from biting any person for a period of 10 days, if ~~the Administrator, a licensed veterinarian or other licensed veterinarian,~~ adjudges such confinement satisfactory. The Department ~~may, by regulation,~~ permit such confinement to be reduced to a period of less than 10 days. At the end of the confinement period, the such dog or other animal shall be examined by a the Administrator, or another licensed veterinarian.

~~It is unlawful for~~ Any person having knowledge that any person has been bitten by an a dog or other animal should to refuse to notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator promptly. It is unlawful for the owner of the such dog or other animal to euthanize, sell, give away, or otherwise dispose of any such dog or other animal known to have bitten a person, until it is released by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative. It is unlawful for the owner of the such dog or other animal to refuse or fail to comply with the reasonable written or printed instructions made by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of the such dog or other animal by regular mail, postage prepaid. ~~The affidavit or testimony of the Administrator, or his authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of such dog or other animal was notified of his responsibilities.~~ Any expense incurred in the handling of an any dog or other animal under this Section and Section 12 shall be borne by the owner.

(b) When a person has been bitten by a police dog, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation of the police dog may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler.

~~(c) For the purpose of this Section:~~

~~"Immediately" means by telephone, in person, or by other than use of the mail.~~

~~"Law enforcement agency" means an agency of the State or a unit of local government that is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.~~

~~"Peace officer" has the meaning ascribed to it in Section 2-13 of the Criminal Code of 1961.~~

~~"Police dog" means a dog trained to assist peace officers in their law enforcement duties. (Source: P.A. 89-576, eff. 1-1-97.)~~

(510 ILCS 5/15) (from Ch. 8, par. 365)

Sec. 15. (a) In order to have a dog deemed "vicious", the Administrator, Deputy Administrator, animal control warden, or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the States Attorney's Office and the owner. The Administrator, State's Attorney, Director or any citizen of the county in which the dog exists may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The Administrator shall determine where the animal shall be confined during the pendency of the case.

A dog shall not be declared vicious if the court determines the conduct of the dog was justified because:

(1) the threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or upon the property of the owner or custodian of the

dog:

(2) the injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted, or physically threatened the dog or its offspring; or

(3) the dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring. For purposes of this Section:

(1) "Vicious dog" means

(i) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.

(ii) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(iii) Any individual dog that has as a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.

(iv) Any individual dog which attacks a human being or domestic animal without provocation.

(v) Any individual dog which has been found to be a "dangerous dog" upon 3 separate occasions.

No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If the burden of proof has been met, the court shall deem the dog to be a vicious dog.

If a dog is found to be a vicious dog, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and is subject to enclosure. A dog found to be a vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without court approval. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of County Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.

(2) "Dangerous dog" or "dangerous animal" means any individual dog or animal which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

(3) "Enclosure" means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

(4) "Impounded" means taken into the custody of the public pound in the city or town where the vicious dog is found.

(5) "Found to be vicious dog" means (i) that the Administrator, an Animal Control Warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in paragraph (1) of subsection (a) and, based on that finding, the Administrator, an Animal Control Warden, or the Director has declared in writing that the dog is a vicious dog or (ii) that the circuit court has found the dog to be a vicious dog as defined in paragraph (1) of subsection (a) and has entered an order based on that finding.

(b) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (1) if it is necessary for the owner or keeper to obtain veterinary care for the dog, (2) in the case of an emergency or natural disaster where the dog's life is threatened, or (3) or (2) to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash chain having a tensile strength of 300 pounds and not exceeding 6 3 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or the law enforcement authority having

jurisdiction in such area, ~~and shall be turned over to a licensed veterinarian for destruction by lethal injection.~~

If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within 15 7 working days, the dog may be euthanized humanely dispatched. A dog found to be a vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure as defined in this Section.

~~No owner or keeper of a vicious dog shall sell or give away the dog.~~

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.

~~(c) It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods.~~

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

~~The Administrator, the State's Attorney, or any citizen of the county in which a dangerous dog or other animal exists may file a complaint in the name of the People of the State of Illinois to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his or her premises when not under control by leash or other recognized control methods.~~

~~Upon the filing of a complaint in the circuit court, The court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition, the court shall enter an order restraining the owner from maintaining such nuisance and shall may order that the such dog or other animal be humanely dispatched. (Source: P.A. 86-1460; 87-456.)~~

(510 ILCS 5/15.1 new)

Sec. 15.1. Dangerous dog determination.

(a) After a thorough investigation including: sending, within 3 days of the Administrator or Director becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Administrator or Director prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or his or her designee, or the Director, to deem a dog to be "dangerous". No dog shall be deemed a "dangerous dog" without clear and convincing evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.

(b) A dog shall not be declared dangerous if the Administrator, or his or her designee, or the Director determines the conduct of the dog was justified because:

(1) the threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog;

(2) the threatened person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;

(3) the injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or

(4) the dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.

(c) Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.

(d) If deemed dangerous, the Administrator, or his or her designee, or the Director shall order the dog to be spayed or neutered within 14 days at the owner's expense and microchipped, if not already, and one or

more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:

(1) evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or

(2) direct supervision by an adult 18 years of age or older whenever the animal is on public premises

(e) The Administrator may order a dangerous dog to be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

(f) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of the exempted dogs, and shall promptly notify the departments of any address changes reported to him or her.

(510 ILCS 5/15.2 new)

Sec. 15.2. Dangerous dogs; leash. It is unlawful for any person to knowingly or recklessly permit any dangerous dog to leave the premises of its owner when not under control by leash or other recognized control methods.

(510 ILCS 5/15.3 new)

Sec. 15.3. Dangerous dog; appeal.

(a) The owner of a dog found to be a dangerous dog pursuant to this Act by an Administrator may file a complaint against the Administrator in the circuit court within 35 days of receipt of notification of the determination, for a de novo hearing on the determination. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedure, including the discovery provisions. After hearing both parties' evidence, the court may make a determination of dangerous dog if the Administrator meets his or her burden of proof of clear and convincing evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.

(b) The owner of a dog found to be a dangerous dog pursuant to this Act by the Director may, within 14 days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the Department of Agriculture's rules applicable to formal administrative proceedings, 8 Ill. Adm. Code Part 1, SubParts A and B. An owner desiring a hearing shall make his or her request for a hearing to the Illinois Department of Agriculture. The final administrative decision of the Department may be reviewed judicially by the circuit court of the county wherein the person resides or, in the case of a corporation, the county where its registered office is located. If the plaintiff in a review proceeding is not a resident of Illinois, the venue shall be in Sangamon County. The Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder.

(c) Until the order has been reviewed and at all times during the appeal process, the owner shall comply with the requirements set forth by the Administrator, the court, or the Director.

(d) At any time after a final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

(510 ILCS 5/17) (from Ch. 8, par. 367)

Sec. 17. For the purpose of ~~carrying out the provisions of this Act and~~ making inspections hereunder, the Administrator, or his or her authorized representative, or any law enforcement officer ~~of the law~~ may enter upon private premises, provided that the entry shall not be made into any building that is a person's residence, to apprehend a straying dog or other animal, a dangerous or vicious dog or other animal, or ~~an a dog or other~~ animal thought to be infected with rabies. If, after request therefor, the owner of ~~the such~~ dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Act. (Source: P.A. 78-795.)

(510 ILCS 5/18) (from Ch. 8, par. 368)

Sec. 18. Any owner seeing his or her livestock, poultry, or equidae ~~sheep, goats, cattle, horses, mules,~~

~~swine, ratites, or poultry~~ being injured, wounded, or killed by a dog, not accompanied by or not under the supervision of its owner, may stop the attack by any reasonable means. The owner may not kill the dog unless there is conclusive evidence that his or her animals suffered severe physical injury or death because of the dog pursue and kill such dog. (Source: P.A. 88-600, eff. 9-1-94.)

(510 ILCS 5/19) (from Ch. 8, par. 369)

Sec. 19. Any owner having livestock, poultry, or equidae ~~sheep, goats, cattle, horses, mules, swine, or poultry~~ killed or injured by a dog shall, according to the provisions of this Act and upon filing claim and making proper proof, be entitled to receive reimbursement for such losses from the Animal Control Fund; provided, he or she is a resident of this State and such injury or killing is reported to the Administrator within 24 hours after such injury or killing occurs, and ~~he or she shall have appeared before a member of the County Board of the county in which such killing or injury occurred and~~ makes affidavit stating the number of such animals or poultry killed or injured, the amount of damages and the owner of the dog causing such killing or injury, if known. ~~Members of the County Board are authorized to administer oaths in such cases.~~

The damages referred to in this Section shall be substantiated by the Administrator through prompt investigation and by not less than 2 witnesses ~~who shall be owners or life tenants of real property in the county.~~ The Administrator member of the Board shall determine whether the provisions of this Section have been met and shall keep a record in each case of the names of the owners of the animals or poultry, the amount of damages proven, and the number of animals or poultry killed or injured.

The Administrator member of the Board shall file a written report with the County Treasurer as to the right of an owner of livestock, poultry, or equidae ~~sheep, goats, cattle, horses, mules, swine, or poultry~~ to be paid out of the Animal Control Fund, and the amount of such damages claimed.

The County Treasurer shall, on the first Monday in March of each calendar year, pay to the owner of the animals or poultry the amount of damages to which he or she is entitled. The county board, by ordinance, shall establish a schedule for damages reflecting the current market value. ~~Unless the county board, by ordinance, establishes a schedule for damages reflecting the reasonable market value; the damages allowed for grade animals or poultry shall not exceed the following amounts:~~

- ~~a. For goats killed or injured, \$30 per head.~~
- ~~b. For cattle killed or injured, \$300 per head.~~
- ~~c. For horses or mules killed or injured, \$200 per head.~~
- ~~d. For swine killed or injured, \$50 per head.~~
- ~~e. For turkeys killed or injured, \$5 per head.~~
- ~~f. For sheep killed or injured, \$30 per head.~~
- ~~g. For all poultry, other than turkeys, \$1 per head.~~

~~The maximum amounts hereinabove set forth may be increased 50% for animals for which the owner can present a certificate of registry of the appropriate breed association or organization. However, if there is not sufficient money in the portion of the fund set aside as stated in Section 7 to pay all claims for damages in full, then the County Treasurer shall pay to such owner of animals or poultry his pro rata share of the money available.~~

If there are funds in excess of amounts paid for such claims for damage in that portion of the Animal Control Fund set aside for this purpose, this excess shall be used for other costs of the program as set forth in this Act. (Source: P.A. 84-551.)

(510 ILCS 5/22) (from Ch. 8, par. 372)

Sec. 22. The Department shall have general supervision of the administration of this Act and may make reasonable rules and regulations, not inconsistent with this Act, for the enforcement of this Act and for the guidance of Administrators, including revoking a license issued under the Animal Welfare Act for noncompliance with any provision of this Act. (Source: P.A. 78-795.)

(510 ILCS 5/24) (from Ch. 8, par. 374)

Sec. 24. Nothing in this Act shall be held to limit in any manner the power of any municipality or other political subdivision to prohibit animals from running at large, nor shall anything in this Act be construed to, in any manner, limit the power of any municipality or other political subdivision to further control and regulate dogs, cats or other animals in such municipality or other political subdivision provided that no regulation or ordinance is specific to breed ~~including a requirement of inoculation against rabies.~~ (Source: P.A. 82-783.)

(510 ILCS 5/26) (from Ch. 8, par. 376)

Sec. 26. (a) Any person violating or aiding in or abetting the violation of any provision of this Act, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any

matter prescribed by this Act, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this Act, or refusing to produce for inoculation any dog in his possession ~~not confined at all times to an enclosed area~~, or who removes a tag from a dog for purposes of destroying or concealing its identity, is guilty of a Class C misdemeanor petty offense for a first ~~or second~~ offense ~~and shall be fined not less than \$25 nor more than \$200~~, and for a ~~third and~~ subsequent offense, is guilty of a Class B C misdemeanor.

Each day a person fails to comply constitutes a separate offense. Each State's Attorney to whom the Administrator reports any violation of this Act shall cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law.

(b) If the owner of a vicious dog subject to enclosure:

(1) fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog; and

(2) the dog inflicts serious physical injury ~~great bodily harm, permanent disfigurement, permanent physical disability~~ upon any other person or causes the death of another person; and

(3) the attack is unprovoked in a place where such person is peaceably conducting himself or herself and where such person may lawfully be;

the owner shall be guilty of a Class 4 felony A misdemeanor, unless the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure then the owner shall be guilty of a Class 3 4 felony. The penalty provided in this paragraph shall be in addition to any other criminal or civil sanction provided by law.

(c) If the owner of a dangerous dog knowingly fails to comply with any order of the court regarding the dog and the dog inflicts serious physical injury on a person or a companion animal, the owner shall be guilty of a Class A misdemeanor. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog kills a person the owner shall be guilty of a Class 4 felony. (Source: P.A. 87-456.)

(510 ILCS 5/16 rep.)

Sec. 15. The Animal Control Act is amended by repealing Section 16. Section 99. Effective date. This Act takes effect upon becoming law."

Representative Saviano offered and withdrew Amendments numbered 2, 3, 4 and 5.

Representative Saviano offered the following amendment and moved its adoption:

AMENDMENT NO. 6

AMENDMENT NO. 6. Amend House Bill 184, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Animal Control Act is amended by changing Sections 2.01, 2.02, 2.03, 2.05, 2.07, 2.16, 2.17, 2.18, 3, 5, 7.1, 8, 9, 10, 11, 12, 13, 15, 17, 18, 19, 22, 24, and 26, and by adding Sections 2.03a, 2.04a, 2.05a, 2.11a, 2.11b, 2.12a, 2.17a, 2.17b, 2.18a, 2.19a, 2.19b, 15.1, 15.2, 15.3, and 16.5 as follows:

(510 ILCS 5/2.01) (from Ch. 8, par. 352.01)

Sec. 2.01. "Administrator" means a veterinarian licensed by the State of Illinois and appointed pursuant to this Act, or in the event a veterinarian cannot be found and appointed pursuant to this Act, a non-veterinarian may serve as Administrator under this Act. In the event the Administrator is not a veterinarian, the Administrator shall defer to the veterinarian regarding all medical decisions. his or her duly authorized representative. (Source: P.A. 78-795.)

(510 ILCS 5/2.02) (from Ch. 8, par. 352.02)

Sec. 2.02. "Animal" means every living creature ~~any animal~~, other than man, which may be affected by rabies. (Source: P.A. 78-795.)

(510 ILCS 5/2.03) (from Ch. 8, par. 352.03)

Sec. 2.03. "Animal Control Warden" means any person appointed by the Administrator ~~and approved by the Board~~ to perform the duties set forth in ~~as assigned by the Administrator to effectuate~~ this Act. (Source: P.A. 78-795.)

(510 ILCS 5/2.03a new)

Sec. 2.03a. "Business day" means any day including holidays that the animal control facility is open to the public for animal reclaims.

(510 ILCS 5/2.04a new)

Sec. 2.04a. "Cat" means all members of the family Felidae.

(510 ILCS 5/2.05) (from Ch. 8, par. 352.05)

Sec. 2.05. "Confined" means restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public. (Source: P.A. 78-795.)

(510 ILCS 5/2.05a new)

Sec. 2.05a. "Dangerous dog" means any individual dog when unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal in a public place.

(510 ILCS 5/2.07) (from Ch. 8, par. 352.07)

Sec. 2.07. "Deputy Administrator" means a veterinarian licensed by the State of Illinois, appointed by the Administrator, ~~and approved by the Board.~~ (Source: P.A. 78-795.)

(510 ILCS 5/2.11a new)

Sec. 2.11a. "Enclosure" means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

(510 ILCS 5/2.11b new)

Sec. 2.11b. "Feral cat" means a cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, or (ii) is a formerly owned cat that has been abandoned and is no longer socialized or lives on a farm.

(510 ILCS 5/2.12a new)

Sec. 2.12a. "Impounded" means taken into the custody of the public animal control facility in the city, town, or county where the animal is found.

(510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

Sec. 2.16. "Owner" means any person having a right of property in ~~an a dog or other~~ animal, or who keeps or harbors ~~an a dog or other~~ animal, or who has it in his care, or acts as its custodian, ~~or who knowingly permits a dog or other domestic animal to remain on or about any premise occupied by him.~~ (Source: P.A. 78-795.)

(510 ILCS 5/2.17) (from Ch. 8, par. 352.17)

Sec. 2.17. "Person" means any individual ~~person~~, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the State, or any other business unit. (Source: P.A. 78-795.)

(510 ILCS 5/2.17a new)

Sec. 2.17a. "Peace officer" has the meaning ascribed to it in Section 2-13 of the Criminal Code of 1961.

(510 ILCS 5/2.17b new)

Sec. 2.17b. "Police animal" means an animal owned or used by a law enforcement department or agency in the course of the department or agency's work.

(510 ILCS 5/2.18) (from Ch. 8, par. 352.18)

Sec. 2.18. "Pound" ~~or "animal control facility"~~ may be used interchangeably and mean means any facility approved by the Administrator for the purpose of enforcing this Act and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals. (Source: P.A. 78-795.)

(510 ILCS 5/2.18a new)

Sec. 2.18a. "Physical injury" means the impairment of physical condition.

(510 ILCS 5/2.19a new)

Sec. 2.19a. "Serious physical injury" means a physical injury that creates a substantial risk of death or that causes death, serious or protracted disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

(510 ILCS 5/2.19b new)

Sec. 2.19b. "Vicious dog" means a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon 3 separate occasions.

(510 ILCS 5/3) (from Ch. 8, par. 353)

Sec. 3. The County Board Chairman with the ~~advice and~~ consent of the County Board shall appoint

~~an~~ as Administrator, ~~a veterinarian licensed by this State~~. Appointments shall be made as necessary to keep this position filled at all times. The Administrator may appoint as many Deputy Administrators and Animal Control Wardens to aid him or her as authorized by the Board. The compensation for the Administrator, Deputy Administrators, and Animal Control Wardens shall be fixed by the Board ~~for services other than for the rabies inoculation of dogs or other animals~~. The Administrator may be removed from office by the County Board Chairman, with the ~~advice and~~ consent of the County Board.

The Board shall provide necessary personnel, training, equipment, supplies, and facilities, and shall operate pounds or contract for their operation as necessary to effectuate the program. The Board may enter into contracts or agreements with persons to assist in the operation of the program.

The Board shall be empowered to utilize monies from their General Corporate Fund to effectuate the intent of this Act.

The Board is authorized by ordinance to require the registration and microchipping of dogs and cats and ~~shall may~~ impose an individual animal and litter registration fee. All persons selling dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator as required by Board ordinance, including sales, number of litters, and ownership of dogs and cats. If microchips are required, the microchip number shall serve as the county animal control registration number. All microchips shall have an operating frequency of 125 kilohertz.

In obtaining information required to implement this Act, the Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law for civil cases in courts of this State.

The Director, ~~and any member of the Board~~ shall ~~each~~ have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.

This Section does not apply to feral cats. (Source: P.A. 87-157.)

(510 ILCS 5/5) (from Ch. 8, par. 355)

Sec. 5. Duties and powers. (a) It shall be the duty of the Administrator or the Deputy Administrator, through sterilization, humane education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary, to control and prevent the spread of rabies ~~in his county~~ and to exercise dog and cat overpopulation control. It shall also be the duty of the Administrator to investigate and substantiate all claims made under Section 19 of this Act.

(b) Counties may by ordinance determine the extent of the police powers that may be exercised by the Administrator, Deputy Administrators, and Animal Control Wardens, which powers shall pertain only to this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may issue and serve citations and orders for violations of this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may not carry weapons unless they have been specifically authorized to carry weapons by county ordinance. Animal Control Wardens, however, may use tranquilizer guns and other nonlethal weapons and equipment without specific weapons authorization.

A person authorized to carry firearms by county ordinance under this subsection must have completed the training course for peace officers prescribed in the Peace Officer Firearm Training Act. The cost of this training shall be paid by the county.

(c) The sheriff and all sheriff's deputies and municipal police officers shall cooperate with the Administrator and his or her representatives in carrying out the provisions of this Act. (Source: P.A. 90-385, eff. 8-15-97.)

(510 ILCS 5/7.1) (from Ch. 8, par. 357.1)

Sec. 7.1. In addition to any other fees provided for under this Act, any county may charge a reasonable fee for the pickup and disposal of dead animals from private for-profit animal hospitals. This fee shall be sufficient to cover the costs of pickup and delivery and shall be deposited in the county's animal control general fund. (Source: P.A. 80-972.)

(510 ILCS 5/8) (from Ch. 8, par. 358)

Sec. 8. Every owner of a dog 4 months or more of age ~~not confined at all times to an enclosed area~~, shall have each dog cause such dog to be inoculated against rabies by a licensed veterinarian ~~at such intervals as may hereafter be established by regulations pursuant to this Act~~. Every dog shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the Board and which shall be signed by the licensed veterinarian administering the vaccine. Veterinarians who inoculate a dog

shall procure from the County Animal Control serially numbered tags, one to be issued with each inoculation certificate. Only one dog shall be included on each certificate. The veterinarian immunizing or microchipping an animal shall provide the Administrator with a certificate of immunization and microchip number. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog inoculated against rabies.

Rabies vaccine for use on animals shall be sold or distributed only to ~~and used only by~~ licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture ~~and approved by the Department.~~ (Source: P.A. 78-1166.)

(510 ILCS 5/9) (from Ch. 8, par. 359)

Sec. 9. Any dog found running at large contrary to provisions of this Act ~~may shall~~ be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available animal control facility public pound. (Source: P.A. 78-795.)

(510 ILCS 5/10) (from Ch. 8, par. 360)

Sec. 10. When dogs or cats are apprehended and impounded by the Administrator, they must be scanned for the presence of a microchip. The Administrator shall make every reasonable attempt to contact the owner as soon as possible. The Administrator he shall give notice of not less than 7 business days to the owner prior to disposal of the animal, if known. Such notice shall be mailed to the last known address of the owner. ~~An affidavit or~~ Testimony of the Administrator, or his or her authorized agent, who mails such notice shall be ~~prima facie~~ evidence of the receipt of such notice by the owner of the animal such dog. In case the owner of any impounded dog or cat desires to make redemption thereof, he or she may do so on the following conditions:

- a. present proof of current rabies inoculation, and registration, if applicable, or
- b. pay for the rabies inoculation of the dog or cat, and registration, if applicable, and
- c. pay the pound for the board of the dog or cat for the period it was impounded, ~~and~~
- d. pay into the Animal Control Fund an additional impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense; ~~and-~~
- e. pay for microchipping and registration if not already done.

Animal control facilities that are open to the public 7 days per week for animal reclamation are exempt from the business day requirement.

This shall be in addition to any other penalties invoked under this Act. (Source: P.A. 83-711.)

(510 ILCS 5/11) (from Ch. 8, par. 361)

Sec. 11. When not redeemed by the owner, a dog or cat that has been impounded ~~for failure to be inoculated and registered, if applicable, in accordance with the provisions of this Act or a cat that has been impounded~~ shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act or offered for adoption. An animal pound or animal shelter shall not release any dog or cat when not redeemed by the owner unless the animal has been surgically rendered incapable of reproduction by spaying or neutering and microchipped, or the person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such service performed, including microchipping, within a specified period of time not to exceed 30 60 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal by the animal pound or shelter, and any monies which have been deposited shall be forfeited. This Act shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Act and other existing laws. No animal shelter or animal control facility shall release dogs or cats to an individual representing a rescue group unless the group has been licensed by the Illinois Department of Agriculture or incorporated as a not-for-profit organization. The Department may suspend or revoke the license of any animal shelter or animal control facility that fails to comply with the requirements set forth in this Section. ~~Any person purchasing or adopting such dog, with or without charge or donation, must pay for the rabies inoculation of such dog and registration if applicable.~~ (Source: P.A. 92-449, eff. 1-1-02.)

(510 ILCS 5/12) (from Ch. 8, par. 362)

Sec. 12. The owner of any ~~dog or other~~ animal which exhibits clinical signs of rabies, whether or not the such dog or other animal has been inoculated against rabies, shall immediately notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, and shall promptly confine the such dog or other animal, or have it confined, under suitable observation, for a period of at least 10 days, unless officially authorized by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, in writing, to release it sooner. Any ~~dog or other~~ animal that has had ~~in~~ direct contact with the such dog or other animal and that, whether or not the exposed dog or other animal has not been

inoculated against rabies, shall be confined as recommended by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator. (Source: P.A. 78-795.)

(510 ILCS 5/13) (from Ch. 8, par. 363)

Sec. 13. Dog or other animal bites; observation of animal. (a) Except as otherwise provided in subsection (b) of this Section, when the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator receives information that any person has been bitten by ~~an a dog or other~~ animal, the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of 10 days. The Department may, ~~by regulation,~~ permit such confinement to be reduced to a period of less than 10 days. ~~A~~ Such veterinarian shall report the clinical condition of the ~~dog or other~~ animal immediately, with confirmation in writing to the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator within 24 hours after the ~~dog or other~~ animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of ~~the such dog or other~~ animal, and whether the animal has been spayed or neutered, on appropriate forms approved by the Department. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report to the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator advising him or her of the final disposition of ~~the such dog or other~~ animal on appropriate forms approved by the Department. When evidence is presented that ~~the such dog or other~~ animal was inoculated against rabies within the time prescribed by law, it ~~shall~~ may be confined in ~~a the~~ house of its owner, or in a manner which will prohibit it from biting any person for a period of 10 days, if ~~the Administrator, a licensed veterinarian or other licensed veterinarian,~~ adjudges such confinement satisfactory. The Department may, ~~by regulation,~~ permit such confinement to be reduced to a period of less than 10 days. At the end of the confinement period, ~~the such dog or other~~ animal shall be examined by ~~a the Administrator, or another~~ licensed veterinarian.

~~It is unlawful for~~ Any person having knowledge that any person has been bitten by ~~an a dog or other~~ animal ~~shall to refuse to~~ notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator promptly. It is unlawful for the owner of ~~the such dog or other~~ animal to euthanize, sell, give away, or otherwise dispose of any ~~such dog or other~~ animal known to have bitten a person, until it is released by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative. It is unlawful for the owner of ~~the such dog or other~~ animal to refuse or fail to comply with the reasonable written or printed instructions made by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of ~~the such dog or other~~ animal by regular mail, ~~postage prepaid.~~ ~~The affidavit or testimony of the Administrator, or his authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of such dog or other animal was notified of his responsibilities.~~ Any expense incurred in the handling of ~~an any dog or other~~ animal under this Section and Section 12 shall be borne by the owner.

(b) When a person has been bitten by a police dog, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation of the police dog may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler.

(c) ~~For the purpose of this Section:~~

~~"Immediately" means by telephone, in person, or by other than use of the mail.~~

~~"Law enforcement agency" means an agency of the State or a unit of local government that is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.~~

~~"Peace officer" has the meaning ascribed to it in Section 2-13 of the Criminal Code of 1961.~~

~~"Police dog" means a dog trained to assist peace officers in their law enforcement duties. (Source: P.A. 89-576, eff. 1-1-97.)~~

(510 ILCS 5/15) (from Ch. 8, par. 365)

Sec. 15. (a) In order to have a dog deemed "vicious", the Administrator, Deputy Administrator, animal control warden, or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the States Attorney's Office and the owner. The Administrator, State's Attorney, Director or any citizen of the county

in which the dog exists may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The Administrator shall determine where the animal shall be confined during the pendency of the case.

A dog shall not be declared vicious if the court determines the conduct of the dog was justified because:

(1) the threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or upon the property of the owner or custodian of the dog;

(2) the injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted, or physically threatened the dog or its offspring; or

(3) the dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring. For purposes of this Section:

(1) "Vicious dog" means

(i) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.

(ii) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(iii) Any individual dog that has as a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.

(iv) Any individual dog which attacks a human being or domestic animal without provocation.

(v) Any individual dog which has been found to be a "dangerous dog" upon 3 separate occasions.

No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If the burden of proof has been met, the court shall deem the dog to be a vicious dog.

If a dog is found to be a vicious dog, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and is subject to enclosure. A dog found to be a vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without court approval. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of County Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.

(2) "Dangerous dog" or "dangerous animal" means any individual dog or animal which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

(3) "Enclosure" means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

(4) "Impounded" means taken into the custody of the public pound in the city or town where the vicious dog is found.

(5) "Found to be vicious dog" means (i) that the Administrator, an Animal Control Warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in paragraph (1) of subsection (a) and, based on that finding, the Administrator, an Animal Control Warden, or the Director has declared in writing that the dog is a vicious dog or (ii) that the circuit court has found the dog to be a vicious dog as defined in paragraph (1) of subsection (a) and has entered an order based on that finding.

(b) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious

dog unless ~~the such~~ dog is ~~at all times~~ kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (1) if it is necessary for the owner or keeper to obtain veterinary care for the dog, (2) in the case of an emergency or natural disaster where the dog's life is threatened, or (3) ~~or (2)~~ to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash chain having a tensile strength of 300 pounds and not exceeding 6 3 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or the law enforcement authority having jurisdiction in such area, ~~and shall be turned over to a licensed veterinarian for destruction by lethal injection.~~

If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within 15 7 working days, the dog may be ethanized humanely dispatched. ~~A dog found to be a vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure as defined in this Section.~~

~~No owner or keeper of a vicious dog shall sell or give away the dog.~~

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.

~~(e) It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods.~~

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

~~The Administrator, the State's Attorney, or any citizen of the county in which a dangerous dog or other animal exists may file a complaint in the name of the People of the State of Illinois to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his or her premises when not under control by leash or other recognized control methods.~~

~~Upon the filing of a complaint in the circuit court, The court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition, the court shall enter an order restraining the owner from maintaining such nuisance and shall may order that the such dog or other animal be humanely dispatched. (Source: P.A. 86-1460; 87-456.)~~

(510 ILCS 5/15.1 new)

Sec. 15.1. Dangerous dog determination.

(a) After a thorough investigation including: sending, within 3 days of the Administrator or Director becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Administrator or Director prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or his or her designee, or the Director, to deem a dog to be "dangerous". No dog shall be deemed a "dangerous dog" without clear and convincing evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.

(b) A dog shall not be declared dangerous if the Administrator, or his or her designee, or the Director determines the conduct of the dog was justified because:

(1) the threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog;

(2) the threatened person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;

(3) the injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or

(4) the dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.

(c) Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.

(d) If deemed dangerous, the Administrator, or his or her designee, or the Director shall order the dog to be spayed or neutered within 14 days at the owner's expense and microchipped, if not already, and one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:

(1) evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or

(2) direct supervision by an adult 18 years of age or older whenever the animal is on public premises

(e) The Administrator may order a dangerous dog to be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

(f) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of the exempted dogs, and shall promptly notify the departments of any address changes reported to him or her.

(510 ILCS 5/15.2 new)

Sec. 15.2. Dangerous dogs; leash. It is unlawful for any person to knowingly or recklessly permit any dangerous dog to leave the premises of its owner when not under control by leash or other recognized control methods.

(510 ILCS 5/15.3 new)

Sec. 15.3. Dangerous dog; appeal.

(a) The owner of a dog found to be a dangerous dog pursuant to this Act by an Administrator may file a complaint against the Administrator in the circuit court within 35 days of receipt of notification of the determination, for a de novo hearing on the determination. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedure, including the discovery provisions. After hearing both parties' evidence, the court may make a determination of dangerous dog if the Administrator meets his or her burden of proof of clear and convincing evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.

(b) The owner of a dog found to be a dangerous dog pursuant to this Act by the Director may, within 14 days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the Department of Agriculture's rules applicable to formal administrative proceedings, 8 Ill. Adm. Code Part 1, SubParts A and B. An owner desiring a hearing shall make his or her request for a hearing to the Illinois Department of Agriculture. The final administrative decision of the Department may be reviewed judicially by the circuit court of the county wherein the person resides or, in the case of a corporation, the county where its registered office is located. If the plaintiff in a review proceeding is not a resident of Illinois, the venue shall be in Sangamon County. The Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder.

(c) Until the order has been reviewed and at all times during the appeal process, the owner shall comply with the requirements set forth by the Administrator, the court, or the Director.

(d) At any time after a final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

(510 ILCS 5/16.5 new)

Sec. 16.5. Expenses of microchipping. A clinic for microchipping companion animals of county residents should be conducted at least once a year under the direction of the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator at the animal control facility, animal shelter, or other central location within the county. The maximum amount that can be charged for microchipping an animal at this clinic shall be \$15. Funds generated from this clinic shall be deposited in the county's animal control fund.

(510 ILCS 5/17) (from Ch. 8, par. 367)

Sec. 17. For the purpose of ~~carrying out the provisions of this Act and~~ making inspections hereunder, the Administrator, or his or her authorized representative, or any law enforcement officer ~~of the law~~ may enter upon private premises, provided that the entry shall not be made into any building that is a person's residence, to apprehend a straying dog or other animal, a dangerous or vicious dog or other animal, or an a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of the such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Act. (Source: P.A. 78-795.)

(510 ILCS 5/18) (from Ch. 8, par. 368)

Sec. 18. Any owner seeing his or her livestock, poultry, or equidae ~~sheep, goats, cattle, horses, mules, swine, raites, or poultry~~ being injured, wounded, or killed by a dog, not accompanied by or not under the supervision of its owner, may stop the attack by any reasonable means. The owner may not kill the dog unless there is conclusive evidence that his or her animals suffered severe physical injury or death because of the dog pursue and kill such dog. (Source: P.A. 88-600, eff. 9-1-94.)

(510 ILCS 5/19) (from Ch. 8, par. 369)

Sec. 19. Any owner having livestock, poultry, or equidae ~~sheep, goats, cattle, horses, mules, swine, or poultry~~ killed or injured by a dog shall, according to the provisions of this Act and upon filing claim and making proper proof, be entitled to receive reimbursement for such losses from the Animal Control Fund; provided, he or she is a resident of this State and such injury or killing is reported to the Administrator within 24 hours after such injury or killing occurs, and ~~he or she shall have appeared before a member of the County Board of the county in which such killing or injury occurred and~~ makes affidavit stating the number of such animals or poultry killed or injured, the amount of damages and the owner of the dog causing such killing or injury, if known. ~~Members of the County Board are authorized to administer oaths in such cases.~~

The damages referred to in this Section shall be substantiated by the Administrator through prompt investigation and by not less than 2 witnesses ~~who shall be owners or life tenants of real property in the county.~~ The Administrator member of the Board shall determine whether the provisions of this Section have been met and shall keep a record in each case of the names of the owners of the animals or poultry, the amount of damages proven, and the number of animals or poultry killed or injured.

The Administrator member of the Board shall file a written report with the County Treasurer as to the right of an owner of livestock, poultry, or equidae ~~sheep, goats, cattle, horses, mules, swine, or poultry~~ to be paid out of the Animal Control Fund, and the amount of such damages claimed.

The County Treasurer shall, on the first Monday in March of each calendar year, pay to the owner of the animals or poultry the amount of damages to which he or she is entitled. The county board, by ordinance, shall establish a schedule for damages reflecting the current market value. Unless the county board, by ordinance, establishes a schedule for damages reflecting the reasonable market value, the damages allowed for grade animals or poultry shall not exceed the following amounts:

- a. ~~For goats killed or injured, \$30 per head.~~
- b. ~~For cattle killed or injured, \$300 per head.~~
- c. ~~For horses or mules killed or injured, \$200 per head.~~
- d. ~~For swine killed or injured, \$50 per head.~~
- e. ~~For turkeys killed or injured, \$5 per head.~~
- f. ~~For sheep killed or injured, \$30 per head.~~
- g. ~~For all poultry, other than turkeys, \$1 per head.~~

~~The maximum amounts hereinabove set forth may be increased 50% for animals for which the owner can present a certificate of registry of the appropriate breed association or organization. However, if there is not sufficient money in the portion of the fund set aside as stated in Section 7 to pay all claims for damages in full, then the County Treasurer shall pay to such owner of animals or poultry his pro rata share of the money available.~~

If there are funds in excess of amounts paid for such claims for damage in that portion of the Animal Control Fund set aside for this purpose, this excess shall be used for other costs of the program as set forth

in this Act. (Source: P.A. 84-551.)

(510 ILCS 5/22) (from Ch. 8, par. 372)

Sec. 22. The Department shall have general supervision of the administration of this Act and may make reasonable rules and regulations, not inconsistent with this Act, for the enforcement of this Act and for the guidance of Administrators, including revoking a license issued under the Animal Welfare Act for noncompliance with any provision of this Act. (Source: P.A. 78-795.)

(510 ILCS 5/24) (from Ch. 8, par. 374)

Sec. 24. Nothing in this Act shall be held to limit in any manner the power of any municipality or other political subdivision to prohibit animals from running at large, nor shall anything in this Act be construed to, in any manner, limit the power of any municipality or other political subdivision to further control and regulate dogs, cats or other animals in such municipality or other political subdivision provided that no regulation or ordinance is specific to breed including a requirement of inoculation against rabies. (Source: P.A. 82-783.)

(510 ILCS 5/26) (from Ch. 8, par. 376)

Sec. 26. (a) Any person violating or aiding in or abetting the violation of any provision of this Act, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Act, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this Act, or refusing to produce for inoculation any dog in his possession ~~not confined at all times to an enclosed area,~~ or who removes a tag from a dog for purposes of destroying or concealing its identity, is guilty of a Class C misdemeanor petty offense for a first ~~or second~~ offense and shall be fined not less than \$25 nor more than \$200, and for a ~~third and~~ subsequent offense, is guilty of a Class B ~~C~~ misdemeanor.

Each day a person fails to comply constitutes a separate offense. Each State's Attorney to whom the Administrator reports any violation of this Act shall cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law.

(b) If the owner of a vicious dog subject to enclosure:

(1) fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog; and

(2) the dog inflicts serious physical injury ~~great bodily harm, permanent disfigurement, permanent physical disability~~ upon any other person or causes the death of another person; and

(3) the attack is unprovoked in a place where such person is peaceably conducting himself or herself and where such person may lawfully be;

the owner shall be guilty of a Class 4 felony ~~A misdemeanor~~, unless the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure then the owner shall be guilty of a Class 3 4 felony. The penalty provided in this paragraph shall be in addition to any other criminal or civil sanction provided by law.

(c) If the owner of a dangerous dog knowingly fails to comply with any order of the court regarding the dog and the dog inflicts serious physical injury on a person or a companion animal, the owner shall be guilty of a Class A misdemeanor. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog kills a person the owner shall be guilty of a Class 4 felony. (Source: P.A. 87-456.)

(510 ILCS 5/16 rep.)

Sec. 15. The Animal Control Act is amended by repealing Section 16. Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 6 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 464. Having been printed, was taken up and read by title a second time.

Representative Saviano offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 464 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Sections 4.14 and 4.24 as follows:

(5 ILCS 80/4.14) (from Ch. 127, par. 1904.14)

Sec. 4.14. Acts repealed. (a) The following Acts are repealed December 31, 2003:

The Private Detective, Private Alarm, and Private Security Act of 1993.

The Illinois Occupational Therapy Practice Act.

(b) The following Acts are repealed January 1, 2004:

The Illinois Certified Shorthand Reporters Act of 1984.

~~The Veterinary Medicine and Surgery Practice Act of 1994.~~

(Source: P.A. 92-457, eff 8-21-01.)

(5 ILCS 80/4.24)

Sec. 4.24. Acts repealed on January 1, 2014. The following Acts are repealed on January 1, 2014:

The Electrologist Licensing Act.

The Illinois Public Accounting Act.

The Veterinary Medicine and Surgery Practice Act of 2004. (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

Section 10. The Environmental Health Practitioner Licensing Act is amended by changing Section 16 as follows:

(225 ILCS 37/16) (Section scheduled to be repealed on January 1, 2007)

Sec. 16. Exemptions. This Act does not prohibit or restrict any of the following:

(1) A person performing the functions and duties of an environmental health practitioner under the general supervision of a licensed environmental health practitioner or licensed professional engineer if that person (i) is not responsible for the administration or supervision of one or more employees engaged in an environmental health program, (ii) establishes a method of verbal communication with the licensed environmental health practitioner or licensed professional engineer to whom they can refer and report questions, problems, and emergency situations encountered in environmental health practice, and (iii) has his or her written reports reviewed monthly by a licensed environmental health practitioner or licensed professional engineer.

(2) A person licensed in this State under any other Act from engaging in the practice for which he or she is licensed.

(3) A person working in laboratories licensed by, registered with, or operated by the State of Illinois.

(4) A person employed by a State-licensed health care facility who engages in the practice of environmental health or whose job responsibilities include ensuring that the environment in the health care facility is healthy and safe for employees, patients, and visitors.

(5) A person employed with the Illinois Department of Agriculture who engages in meat and poultry inspections or environmental inspections under the authority of the Department of Agriculture.

(6) A person holding a degree of Doctor of Veterinary Medicine and Surgery and licensed under the Veterinary Medicine and Surgery Practice Act of 2004. (Source: P.A. 92-837, eff. 8-22-02.)

Section 15. The Veterinary Medicine and Surgery Practice Act of 1994 is amended by changing Sections 2, 3, 4, 5, 8, 8.1, 11, 12, 15, 24.1, and 25 and adding Section 25.19 as follows:

(225 ILCS 115/2) (from Ch. 111, par. 7002) (Section scheduled to be repealed on January 1, 2004)

Sec. 2. This Act may be cited as the Veterinary Medicine and Surgery Practice Act of ~~2004~~ 1994. (Source: P.A. 88-424.)

(225 ILCS 115/3) (from Ch. 111, par. 7003) (Section scheduled to be repealed on January 1, 2004)

Sec. 3. Definitions; ~~unlicensed practice prohibited.~~ (a) The following terms have the meanings indicated, unless the context requires otherwise:

"Accredited college of veterinary medicine" means a veterinary college, school, or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent and that is accredited by the Council on Education of the American Veterinary Medical Association.

"Animal" means any animal, vertebrate or invertebrate, other than a human.

"Board" means the Veterinary Licensing and Disciplinary Board.

"Certified veterinary technician" means a person who has graduated from a veterinary technology program accredited by the Committee on Veterinary Technician Education and Activities of the American Veterinary Medical Association who has filed an application with the Department, paid the fee, passed the examination as prescribed by rule, and works under a supervising veterinarian.

"Client" means an entity, person, group, or corporation that has entered into an agreement with a veterinarian for the purposes of obtaining veterinary medical services.

"Complementary, alternative, and integrative therapies" means preventative, diagnostic, and therapeutic practices that, at the time they are performed, may differ from current scientific knowledge or for which the

theoretical basis and techniques may diverge from veterinary medicine routinely taught in approved veterinary medical programs. This includes but is not limited to veterinary acupuncture, acupressure, veterinary homeopathy, veterinary manual or manipulative therapy (i.e. therapies based on techniques practiced in osteopathy, chiropractic medicine, or physical medicine and therapy), veterinary nutraceutical therapy, veterinary phytotherapy, or other therapies as defined by rule.

"Consultation" means when a veterinarian receives advice in person, telephonically, electronically, or by any other method of communication from a veterinarian licensed in this or any other state or other person whose expertise, in the opinion of the veterinarian, would benefit a patient. Under any circumstance, the responsibility for the welfare of the patient remains with the veterinarian receiving consultation.

"Department" means the Department of Professional Regulation.

"Direct supervision" means the supervising veterinarian is on the premises where the animal is being treated.

"Director" means the Director of Professional Regulation.

"Impaired veterinarian" means a veterinarian who is unable to practice veterinary medicine with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, or abuse of drugs or alcohol of sufficient degree to diminish a person's ability to deliver competent patient care.

"Indirect supervision" means the supervising veterinarian need not be on the premises, but has given either written or oral instructions for the treatment of the animal and is available by telephone or other form of communication.

"Patient" means an animal that is examined or treated by a veterinarian.

"Person" means an individual, firm, partnership (general, limited, or limited liability), association, joint venture, cooperative, corporation, limited liability company, or any other group or combination acting in concert, whether or not acting as a principal, partner, member, trustee, fiduciary, receiver, or any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.

"Practice of veterinary medicine" means the performance of one or more of the following:

(1) Directly or indirectly consulting, diagnosing, prognosing, correcting, supervising, or recommending treatment of an animal for the prevention, cure, or relief of a wound, fracture, bodily injury, defect, disease, or physical or mental condition by any method or mode.

(2) Prescribing, dispensing, or administering a drug, medicine, biologic appliance, application, or treatment of whatever nature.

(3) Performing upon an animal a surgical or dental operation or a complementary, alternative, or integrative veterinary medical procedure.

(4) Performing upon an animal any manual procedure for the diagnoses or treatment of pregnancy, sterility, or infertility.

(5) Determining the health and fitness of an animal.

(6) Representing oneself, directly or indirectly, as engaging in the practice of veterinary medicine.

(7) Using any word, letters, or title under such circumstances as to induce the belief that the person using them is qualified to engage in the practice of veterinary medicine or any of its branches. Such use shall be prima facie evidence of the intention to represent oneself as engaging in the practice of veterinary medicine.

"Supervising veterinarian" means a veterinarian who assumes responsibility for the professional care given to an animal by a person working under his or her direction. The supervising veterinarian must have examined the animal at such time as acceptable veterinary medical practices requires consistent with the particular delegated animal health care task.

"Veterinarian-client-patient relationship" means:

(1) The veterinarian has assumed the responsibility for making clinical judgments regarding the health of an animal and the need for medical treatment and the client, owner, or other caretaker has agreed to follow the instructions of the veterinarian;

(2) There is sufficient knowledge of an animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and

(3) The practicing veterinarian is readily available for follow-up in case of adverse reactions or

failure of the regimen of therapy.

"Veterinary technology" means the performance of services within the field of veterinary medicine by a person who, for compensation or personal profit, is employed by a licensed veterinarian to perform duties that require an understanding of veterinary medicine necessary to carry out the orders of the veterinarian. Those services, however, shall not include diagnosing, prognosing, writing prescriptions, or surgery.

~~(A) "Department" means the Department of Professional Regulation.~~

~~(B) "Board" means the Veterinary Licensing and Disciplinary Board.~~

~~(C) "Director" means the Director of the Department of Professional Regulation.~~

~~(D) "Veterinarian" means a person holding the degree of Doctor of Veterinary Medicine and Surgery and licensed under this Act.~~

~~(E) The practice of veterinary medicine and surgery occurs when a person:~~

~~(1) Directly or indirectly diagnoses, prognoses, treats, administers to, prescribes for, operates on, manipulates or applies any apparatus or appliance for any disease, pain, deformity, defect, injury, wound or physical or mental condition of any animal or bird or for the prevention of, or to test for the presence of any disease of any animal or bird. The practice of veterinary medicine and surgery includes veterinarian dentistry.~~

~~(2) Represents himself or herself as engaged in the practice of veterinary medicine and surgery as defined in paragraph (1) of this subsection, or uses any words, letters or titles in such connection and under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine and surgery in any of its branches, or that such person is a Doctor of Veterinary Medicine.~~

~~(F) "Animal" means any bird, fish, reptile, or mammal other than man.~~

~~(G) "Veterinarian-client-patient relationship" means:~~

~~(1) The veterinarian has assumed the responsibility for making medical judgments regarding the health of an animal and the need for medical treatment and the client, owner, or other caretaker has agreed to follow the instructions of the veterinarian.~~

~~(2) There is sufficient knowledge of an animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept.~~

~~(3) The practicing veterinarian is readily available for follow up in case of adverse reactions or failure of the regimen of therapy.~~

~~(b) Subject to the exemptions in Section 4 of this Act, no person shall practice veterinary medicine and surgery in any of its branches without a valid license to do so. (Source: P.A. 90-655, eff. 7-30-98.)~~

~~(225 ILCS 115/4) (from Ch. 111, par. 7004) (Section scheduled to be repealed on January 1, 2004)~~

~~Sec. 4. Exemptions. Nothing in this Act shall apply to any of the following:~~

~~(1) Veterinarians employed by the federal or State government Federal Government while actually engaged in their official duties.~~

~~(2) Licensed veterinarians from other states who are invited to Illinois for consultation or lecturing.~~

~~(3) Veterinarians employed by colleges or universities or by state agencies, while engaged in the performance of their official duties, or faculty engaged in animal husbandry or animal management programs of colleges or universities.~~

~~(4) A veterinarian employed by an accredited college of veterinary medicine providing assistance requested by a veterinarian licensed in Illinois, acting with informed consent from the client and acting under the direct or indirect supervision and control of the licensed veterinarian. Providing assistance involves hands-on active participation in the treatment and care of the patient. The licensed veterinarian shall maintain responsibility for the veterinarian-client-patient relationship.~~

~~(5)(4) Veterinary students in an accredited approved college, university, department of a university, or other institution of veterinary medicine and surgery engaged in while in the performance of duties assigned by their instructors.~~

~~(6)(5) Any person engaged in bona fide scientific research which requires the use of animals.~~

~~(7) An owner of livestock and any of the owner's employees or the owner and employees of a service and care provider of livestock caring for and treating livestock belonging to the owner or under a provider's care, including but not limited to, the performance of husbandry and livestock management practices such as dehorning, castration, emasculation, or docking of cattle, horses, sheep, goats, and swine, artificial insemination, and drawing of semen. Nor shall this Act be construed to prohibit any~~

person from administering in a humane manner medicinal or surgical treatment to any livestock in the care of such person. However, any such services shall comply with the Humane Care for Animals Act.

(8) An owner of a companion animal caring for and treating an animal belonging to such owner. Such services shall comply with the Humane Care for Animals Act.

(9) A member in good standing of another licensed or regulated profession within any state or a member of an organization or group approved by the Department by rule providing assistance requested by a veterinarian licensed in this State acting with informed consent from the client and acting under the direct or indirect supervision and control of the licensed veterinarian. Providing assistance involves hands-on active participation in the treatment and care of the patient, as defined by rule. The licensed veterinarian shall maintain responsibility for the veterinarian-client-patient relationship.

(10) A graduate of a non-accredited college of veterinary medicine who is in the process of obtaining a certificate of educational equivalence and is performing duties or actions assigned by instructors in an approved college of veterinary medicine.

(11) A certified euthanasia technician who is authorized to perform euthanasia in the course and scope of his or her employment.

(12) A person who, without expectation of compensation, provides emergency veterinary care in an emergency or disaster situation so long as he or she does not represent himself or herself as a veterinarian or use a title or degree pertaining to the practice veterinary medicine and surgery.

(13) An employee of a licensed veterinarian performing duties other than diagnosis, prognosis, prescription, or surgery under the direction and supervision of the veterinarian, who shall be responsible for the performance of the employee.

(14) An approved humane investigator regulated under the Humane Care for Animals Act or employee of a shelter licensed under the Animal Welfare Act, working under the indirect supervision of a licensed veterinarian.

(15) Private treaty sale of animals unless otherwise provided by law. (6) The dehorning, castration, emasculation or docking of cattle, horses, sheep, goats and swine in the course or exchange of work for which no monetary compensation is paid or to artificial insemination and the drawing of semen. Nor shall this Act be construed to prohibit any person from administering, in a humane manner, medicinal or surgical treatment to any animal belonging to such person, unless title has been transferred for the purpose of circumventing this Act. However, any such services shall comply with the Humane Care for Animals Act.

(7) Members of other licensed professions or any other individuals when called for consultation and assistance by a veterinarian licensed in the State of Illinois and who act under the supervision, direction, and control of the veterinarian, as further defined by rule of the Department.

(8) Certified euthanasia technicians.

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

(225 ILCS 115/5) (from Ch. 111, par. 7005) (Section scheduled to be repealed on January 1, 2004)

Sec. 5. No person shall practice veterinary medicine and surgery in any of its branches without a valid license to do so. Any person not licensed under this Act who performs any of the functions described as the practice of veterinary medicine or surgery as defined in this Act, who announces to the public in any way an intention to practice veterinary medicine and surgery, who uses the title Doctor of Veterinary Medicine or the initials D.V.M. or V.M.D., or who opens an office, hospital, or clinic for such purposes is considered to have violated this Act and may be subject to all the penalties provided for such violations.

It shall be unlawful for any person who is not licensed in this State to provide veterinary medical services from any state to a client or patient in this State through telephonic, electronic, or other means, except where a bonafide veterinarian-client-patient relationship exists.

Nothing in this Act shall be construed to prevent members of other professions from performing functions for which they are duly licensed. Other professionals may not, however, hold themselves out or refer to themselves by any title or descriptions stating or implying that they are engaged in the practice of veterinary medicine or that they are licensed to engage in the practice of veterinary medicine. (Source: P.A. 83-1016.)

(225 ILCS 115/8) (from Ch. 111, par. 7008) (Section scheduled to be repealed on January 1, 2004)

Sec. 8. Qualifications. A person is qualified to receive a license if he or she: (1) is of good moral character; (2) has graduated from an accredited college or school of veterinary medicine has received at least 2 years of preveterinary collegiate training; (3) has graduated from a veterinary school that requires for graduation a 4 year, or equivalent, course in veterinary medicine and surgery approved by the Department; and (3) (4) has passed the examination authorized by the Department to determine fitness to

hold a license.

Applicants for licensure from non-accredited veterinary schools are required to successfully complete a program of educational equivalency as established by rule. At a minimum, this program shall include all of the following:

(1) A certified transcript indicating graduation from such college.

(2) Successful completion of a communication ability examination designed to assess communication skills, including a command of the English language.

(3) Successful completion of an examination or assessment mechanism designed to evaluate educational equivalence, including both preclinical and clinical competencies.

(4) Any other reasonable assessment mechanism designed to ensure an applicant possesses the educational background necessary to protect the public health and safety.

Successful completion of the criteria set forth in this Section shall establish education equivalence as one of the criteria for licensure set forth in this Act. Applicants under this Section must also meet all other statutory criteria for licensure prior to the issuance of any such license, including graduation from veterinary school.

With respect to graduates of unapproved veterinary programs, the Department shall determine if such programs meet standards equivalent to those set forth in clauses (2), (3), and (4) of Section 9 of this Act.

~~Graduates of non approved veterinary schools are required to pass a proficiency examination specified by the Department or to provide one year of evaluated clinical experience as an employee of a licensed veterinarian. Prior to hiring such person, the licensed veterinarian shall notify the Board, in writing, and shall employ such persons only upon the written approval of the Board. Such approval shall be for one year only and is not renewable. Such clinical employees shall treat animals only under the direct supervision of the licensed veterinarian.~~

In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to obtaining a license. The Department may also request the applicant to submit and may consider as evidence of moral character, endorsements from 2 individuals licensed under this Act. (Source: P.A. 89-387, eff. 8-20-95; 90-52, eff. 7-3-97.)

(225 ILCS 115/8.1) (from Ch. 111, par. 7008.1) (Section scheduled to be repealed on January 1, 2004)

~~Sec. 8.1. Certified veterinary technician. "Certified veterinary technician" means a person who has graduated from a veterinary technology program accredited by the American Veterinary Medical Association who has filed an application with the Department, paid the fee, and passed the examination as prescribed by rule. Veterinary technology is defined as the performance of services within the field of veterinary medicine by a person who for compensation or personal profit, is employed by a licensed veterinarian to perform duties that require an understanding of veterinary medicine as required in carrying out the orders of the veterinarian. However, those services shall not include diagnosing, prognosing, writing prescriptions, or surgery. A person who is a certified as a veterinary technician who performs veterinary technology contrary to this Act is guilty of a Class A misdemeanor and shall be subject to the revocation of his or her certificate. However, these penalties and restrictions shall not apply to a student while performing activities required as a part of his or her training.~~

The Department and the Board are authorized to hold hearings, reprimand, suspend, revoke, or refuse to issue or renew a certificate and to perform any other acts that may be necessary to regulate certified veterinary technicians in a manner consistent with the provisions of the Act applicable to veterinarians.

The title "Certified veterinary technician" and the initials "CVT" may only be used by persons certified by the Department. A person who uses these titles without the certification as provided in this Section is guilty of a Class A misdemeanor.

Certified veterinary technicians shall be required to complete continuing education as prescribed by rule to renew their certification. (Source: P.A. 88-91; 88-424; 88-670, eff. 12-2-94.)

(225 ILCS 115/11) (from Ch. 111, par. 7011) (Section scheduled to be repealed on January 1, 2004)

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

the applicant has withdrawn his or her application.

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

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

Upon the revocation of a temporary permit, the Department shall immediately notify, by certified mail, the supervising specified veterinarian employing the holder of a temporary permit and the holder of the permit. A temporary permit shall be revoked by the Department upon proof that the holder of the permit has engaged in the practice of veterinary medicine in this State outside his or her employment under a licensed veterinarian. (Source: P.A. 90-655, eff. 7-30-98.)

(225 ILCS 115/12) (from Ch. 111, par. 7012) (Section scheduled to be repealed on January 1, 2004)

Sec. 12. Inactive status. Any veterinarian or certified veterinary technician who notifies the Department in writing on the prescribed form may place his or her license or certification on an inactive status and shall, subject to rule, be exempt from payment of the renewal fee and compliance with the continuing education requirements until he or she notifies the Department in writing of his or her intention to resume active status.

Any veterinarian or certified veterinary technician requesting restoration from inactive status shall be required to complete the continuing education requirements for a single license or certificate renewal period, pursuant to rule, and pay the current renewal fee to restore his or her license or certification as provided in this Act.

Any veterinarian whose license is in inactive status shall not practice veterinary medicine and surgery in this State. (Source: P.A. 88-424.)

(225 ILCS 115/15) (from Ch. 111, par. 7015) (Section scheduled to be repealed on January 1, 2004)

Sec. 15. Expiration and renewal of license. The expiration date and renewal period for each license or certificate shall be set by rule. A veterinarian or certified veterinary technician whose license or certificate has expired may reinstate his or her license or certificate at any time within 5 years after the expiration thereof, by making a renewal application and by paying the required fee and submitting proof of the required continuing education. However, any veterinarian or certified veterinary technician whose license or certificate expired while he or she was (1) on active duty with the Armed Forces of the United States or called into service or training by the State militia or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license or certificate renewed, reinstated, or restored without paying any lapsed renewal fees if within 2 years after termination of the service, training, or education the veterinarian furnishes the Department with satisfactory evidence of service, training, or education and it has been terminated under honorable conditions.

Any veterinarian or certified veterinary technician whose license or certificate has expired for more than 5 years may have it restored by making application to the Department and filing acceptable proof of fitness to have the license or certificate restored. The proof may include sworn evidence certifying active practice in another jurisdiction. The veterinarian or certified veterinary technician shall also pay the required restoration fee and submit proof of the required continuing education. If the veterinarian or certified veterinary technician has not practiced for 5 years or more, the Board shall determine by an evaluation program established by rule, whether the individual is fit to resume active status and may require the veterinarian to complete a period of evaluated clinical experience and may require successful completion of a clinical examination. (Source: P.A. 92-84, eff. 7-1-02.)

(225 ILCS 115/24.1) (Section scheduled to be repealed on January 1, 2004)

Sec. 24.1. Impaired veterinarians. ~~"Impaired veterinarian" means a veterinarian who is unable to practice veterinary medicine with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, or abuse of drugs or alcohol of sufficient degree to diminish a person's ability to deliver competent patient care.~~ The Department shall establish by rule a program of care, counseling, or treatment for the impaired veterinarians veterinarian.

"Program of care, counseling, or treatment" means a written schedule of organized treatment, care,

counseling, activities, or education satisfactory to the Board, designed for the purpose of restoring an impaired person to a condition whereby the impaired person can practice veterinary medicine with reasonable skill and safety of a sufficient degree to deliver competent patient care. (Source: P.A. 88-424.)

(225 ILCS 115/25) (from Ch. 111, par. 7025) (Section scheduled to be repealed on January 1, 2004)

Sec. 25. Disciplinary actions. 1. The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department may deem appropriate, including fines not to exceed \$1,000 for each violation, with regard to any license or certificate for any one or combination of the following:

- A. Material misstatement in furnishing information to the Department.
- B. Violations of this Act, or of the rules promulgated under this Act.
- C. Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or that is a misdemeanor, an essential element of which is dishonesty, or of any crime that is directly related to the practice of the profession.
- D. Making any misrepresentation for the purpose of obtaining licensure or certification, or violating any provision of this Act or the rules promulgated under this Act pertaining to advertising.
- E. Professional incompetence.
- F. Gross malpractice.
- G. Aiding or assisting another person in violating any provision of this Act or rules.
- H. Failing, within 60 days, to provide information in response to a written request made by the Department.
- I. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud or harm the public.
- J. Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.
- K. Discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.
- L. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for professional services not actually or personally rendered.
- M. A finding by the Board that the licensee or certificate holder, after having his license or certificate placed on probationary status, has violated the terms of probation.
- N. Willfully making or filing false records or reports in his practice, including but not limited to false records filed with State agencies or departments.
- O. Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice the profession with reasonable judgement, skill or safety.
- P. Solicitation of professional services other than permitted advertising.
- Q. Having professional connection with or lending one's name, directly or indirectly, to any illegal practitioner of veterinary medicine and surgery and the various branches thereof.
- R. Conviction of or cash compromise of a charge or violation of the Harrison Act or the Illinois Controlled Substances Act, regulating narcotics.
- S. Fraud or dishonesty in applying, treating, or reporting on tuberculin or other biological tests.
- T. Failing to report, as required by law, or making false report of any contagious or infectious diseases.
- U. Fraudulent use or misuse of any health certificate, shipping certificate, brand inspection certificate, or other blank forms used in practice that might lead to the dissemination of disease or the transportation of diseased animals dead or alive; or dilatory methods, willful neglect, or misrepresentation in the inspection of milk, meat, poultry, and the by-products thereof.
- V. Conviction on a charge of cruelty to animals.
- W. Failure to keep one's premises and all equipment therein in a clean and sanitary condition.
- X. Failure to provide satisfactory proof of having participated in approved continuing education programs.
- Y. Failure to (i) file a return, (ii) pay the tax, penalty, or interest shown in a filed return, or (iii) pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the requirements of that tax Act are satisfied.
- Z. Conviction by any court of competent jurisdiction, either within or outside this State, of any violation of any law governing the practice of veterinary medicine, if the Department determines, after

investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

AA. Promotion of the sale of drugs, devices, appliances, or goods provided for a patient in any manner to exploit the client for financial gain of the veterinarian.

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

CC. Practicing under a false or, except as provided by law, an assumed name.

DD. Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

EE. Cheating on or attempting to subvert the licensing examination administered under this Act.

FF. Using, prescribing, or selling a prescription drug or the extra-label use of a prescription drug by any means in the absence of a valid veterinarian-client-patient relationship.

GG. Failing to report a case of suspected aggravated cruelty, torture, or animal fighting pursuant to Section 3.07 or 4.01 of the Humane Care for Animals Act or Section 26-5 of the Criminal Code of 1961.

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

3. All proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license or certificate on any of the foregoing grounds, must be commenced within 3 years after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described in this Section. Except for proceedings brought for violations of items (CC), (DD), or (EE), no action shall be commenced more than 5 years after the date of the incident or act alleged to have violated this Section. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, the claim, cause of action, or civil action being grounded on the allegation that a person licensed or certified under this Act was negligent in providing care, the Department shall have an additional period of one year from the date of the settlement or final judgment in which to investigate and begin formal disciplinary proceedings under Section 25.2 of this Act, except as otherwise provided by law. The time during which the holder of the license or certificate was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department. (Source: P.A. 88-424.)

(225 ILCS 115/25.19 new) (Section scheduled to be repealed on January 1, 2004)

Sec. 25.19. Mandatory reporting. Nothing in this Act exempts a licensee from the mandatory reporting requirements regarding suspected acts of aggravated cruelty, torture, and animal fighting imposed under Sections 3.07 and 4.01 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(225 ILCS 115/9 rep.)

Section 18. The Veterinary Medicine and Surgery Practice Act of 1994 is amended by repealing Section 9.

Section 20. The Animal Welfare Act is amended by changing Section 2 as follows:

(225 ILCS 605/2) (from Ch. 8, par. 302)

Sec. 2. Definitions. As used in this Act unless the context otherwise requires:

"Department" means the Illinois Department of Agriculture.

"Director" means the Director of the Illinois Department of Agriculture.

"Pet shop operator" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this State. However, a person who sells only such animals that he has produced and raised shall not be considered a pet shop operator under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~ shall not be considered a pet shop operator under this Act.

"Dog dealer" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs in this State. However, a person who sells only dogs that he has produced and raised shall not be considered a dog dealer under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~ shall not be considered a dog dealer under this Act.

"Secretary of Agriculture" or "Secretary" means the Secretary of Agriculture of the United States Department of Agriculture.

"Person" means any person, firm, corporation, partnership, association or other legal entity, any public or private institution, the State of Illinois, or any municipal corporation or political subdivision of the State.

"Kennel operator" means any person who operates an establishment, other than an animal control facility, veterinary hospital, or animal shelter, where dogs or dogs and cats are maintained for boarding, training or similar purposes for a fee or compensation; or who sells, offers to sell, exchange, or offers for adoption with or without charge dogs or dogs and cats which he has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a kennel operator.

"Cattery operator" means any person who operates an establishment, other than an animal control facility or animal shelter, where cats are maintained for boarding, training or similar purposes for a fee or compensation; or who sells, offers to sell, exchange, or offers for adoption with or without charges cats which he has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a cattery operator.

"Animal control facility" means any facility operated by or under contract for the State, county, or any municipal corporation or political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats, and other animals. "Animal control facility" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~ which operates for the above mentioned purpose in addition to its customary purposes.

"Animal shelter" means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. "Animal shelter" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~ which operates for the above mentioned purpose in addition to its customary purposes.

"Foster home" means an entity that accepts the responsibility for stewardship of animals that are the obligation of an animal shelter, not to exceed 4 animals at any given time. Permits to operate as a "foster home" shall be issued through the animal shelter.

"Guard dog service" means an entity that, for a fee, furnishes or leases guard or sentry dogs for the protection of life or property. A person is not a guard dog service solely because he or she owns a dog and uses it to guard his or her home, business, or farmland.

"Guard dog" means a type of dog used primarily for the purpose of defending, patrolling, or protecting property or life at a commercial establishment other than a farm. "Guard dog" does not include stock dogs used primarily for handling and controlling livestock or farm animals, nor does it include personally owned pets that also provide security.

"Sentry dog" means a dog trained to work without supervision in a fenced facility other than a farm, and to deter or detain unauthorized persons found within the facility. (Source: P.A. 89-178, eff. 7-19-95; 90-385, eff. 8-15-97; 90-403, eff. 8-15-97.)

Section 25. The Elder Abuse and Neglect Act is amended by changing Section 2 as follows:

(320 ILCS 20/2) (from Ch. 23, par. 6602)

Sec. 2. Definitions. As used in this Act, unless the context requires otherwise:

(a) "Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse or neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals.

(a-5) "Abuser" means a person who abuses, neglects, or financially exploits an eligible adult.

(a-7) "Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living.

(b) "Department" means the Department on Aging of the State of Illinois.

(c) "Director" means the Director of the Department.

(d) "Domestic living situation" means a residence where the eligible adult lives alone or with his or her

family or a caregiver, or others, or a board and care home or other community-based unlicensed facility, but is not:

- (1) A licensed facility as defined in Section 1-113 of the Nursing Home Care Act;
 - (2) A "life care facility" as defined in the Life Care Facilities Act;
 - (3) A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;
 - (4) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;
 - (5) A "community living facility" as defined in the Community Living Facilities Licensing Act;
 - (6) A "community residential alternative" as defined in the Community Residential Alternatives Licensing Act; and
 - (7) A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.
- (e) "Eligible adult" means a person 60 years of age or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual.
- (f) "Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the provider agency has reason to believe the eligible adult is unable to consent to services which would alleviate that risk.
- (f-5) "Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:
- (1) a professional or professional's delegate while engaged in: (i) social services, (ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietetic and Nutrition Services Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nursing and Advanced Practice Nursing Act, the Nursing Home Administrators Licensing and Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Pharmacy Practice Act of 1987, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of ~~2004~~ 1994, and the Illinois Public Accounting Act;
 - (2) an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;
 - (3) an administrator, employee, or person providing services in or through an unlicensed community based facility;
 - (4) a Christian Science Practitioner;
 - (5) field personnel of the Department of Public Aid, Department of Public Health, and Department of Human Services, and any county or municipal health department;
 - (6) personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman;
 - (7) any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults; or
 - (8) a person who performs the duties of a coroner or medical examiner.
- (g) "Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or medical care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.
- (h) "Provider agency" means any public or nonprofit agency in a planning and service area appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, neglect, or financial exploitation.
- (i) "Regional administrative agency" means any public or nonprofit agency in a planning and service area so designated by the Department, provided that the designated Area Agency on Aging shall be

designated the regional administrative agency if it so requests. The Department shall assume the functions of the regional administrative agency for any planning and service area where another agency is not so designated.

(j) "Substantiated case" means a reported case of alleged or suspected abuse, neglect, or financial exploitation in which a provider agency, after assessment, determines that there is reason to believe abuse, neglect, or financial exploitation has occurred. (Source: P.A. 91-259, eff. 1-1-00; 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; 92-16, eff. 6-28-01.)

Section 30. The Illinois Food, Drug and Cosmetic Act is amended by changing Section 3.21 as follows:
(410 ILCS 620/3.21) (from Ch. 56 1/2, par. 503.21)

Sec. 3.21. Except as authorized by this Act, the Controlled Substances Act, the Pharmacy Practice Act of 1987, the Dental Practice Act, the Medical Practice Act of 1987, the Veterinary Medicine and Surgery Practice Act of ~~2004~~ 1994, or the Podiatric Medical Practice Act of 1987, to sell or dispense a prescription drug without a prescription. (Source: P.A. 88-424.)

Section 35. The Humane Care for Animals Act is amended by changing Section 2.01h as follows:
(510 ILCS 70/2.01h)

Sec. 2.01h. Animal shelter. "Animal shelter" means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. "Animal shelter" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of ~~2004~~ 1994 which operates for the above mentioned purpose in addition to its customary purposes. (Source: P.A. 92-454, eff. 1-1-02.)

Section 40. The Humane Euthanasia in Animal Shelters Act is amended by changing Section 5 as follows:

(510 ILCS 72/5)

Sec. 5. Definitions. The following terms have the meanings indicated, unless the context requires otherwise:

"Animal" means any bird, fish, reptile, or mammal other than man.

"DEA" means the United States Department of Justice Drug Enforcement Administration.

"Department" means the Department of Professional Regulation.

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

"Euthanasia agency" means an entity certified by the Department for the purpose of animal euthanasia that holds an animal control facility or animal shelter license under the Animal Welfare Act.

"Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) as set forth in the Illinois Controlled Substances Act that are used by a euthanasia agency for the purpose of animal euthanasia.

"Euthanasia technician" or "technician" means a person employed by a euthanasia agency or working under the direct supervision of a veterinarian and who is certified by the Department to administer euthanasia drugs to euthanize animals.

"Veterinarian" means a person holding the degree of Doctor of Veterinary Medicine who is licensed under the Veterinary Medicine and Surgery Practice Act of ~~2004~~ 1994. (Source: P.A. 92-449, eff. 1-1-02.)

Section 45. The Good Samaritan Act is amended by changing Section 60 as follows:

(745 ILCS 49/60)

Sec. 60. Veterinarians; exemption from civil liability for emergency care to humans. Any person licensed under the Veterinary Medicine and Surgery Practice Act of ~~2004~~ 1994 or any person licensed as a veterinarian in any other state or territory of the United States who in good faith provides emergency care to a human victim of an accident, at the scene of an accident or in a catastrophe shall not be liable for civil damages as a result of his or her acts or omissions, except for willful or wanton misconduct on the part of the person in providing the care. (Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)

Section 99. Effective date. This Act takes effect on December 31, 2003."

The motion prevailed and the amendment was adopted and ordered printed.

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 1604. Having been printed, was taken up and read by title a second time.

Representative Mathias offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1604 as follows:
on page 9, line 3, by inserting "or coach", after "official"; and
on page 9, line 6, by inserting "or coach", after "official"; and
on page 9, line 11, by inserting after "referee" the following:
"and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event".

The motion prevailed and the amendment was adopted and ordered printed.

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 2772. Having been read by title a second time on March 20, 2003, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Judiciary I - Civil Law, adopted and printed.

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2772 by replacing the title with the following:
"AN ACT concerning insurance." and
by replacing everything after the enacting clause with the following:
"Section 5. The Illinois Insurance Code is amended by adding Section 368c as follows:
(215 ILCS 5/368c new)

Sec. 368c. Payments.

(a) After the effective date of this amendatory Act of the 93rd General Assembly, health care professionals or health care providers offered a contract for signature by an insurer, health maintenance organization, independent practice association, or physician hospital organization to be paid on a service by service basis shall, upon request, be provided copies of the fee schedule or payment arrangement and amounts for each health care service to be provided under the contract prior to signing the contract. If the health care professional or health care provider is not paid on a service by service basis, the amounts payable and terms of payment under that alternative payment system shall be provided upon request.

(b) Payments under a contract with a health care professional or health care provider shall not be changed based upon rates agreed to by the professional or provider in another contract with an insurer, health maintenance organization, independent practice association, or physician hospital organization. Nothing in this Section shall be construed to prevent an insurer, health maintenance organization, independent practice association, or physician hospital organization from renegotiating its payments under a contract with a health care professional or health care provider.

(c) A payment statement shall be furnished to a health care professional or health care provider paid on a service by service basis for services provided under the contract that identifies the disposition of each claim, including services billed, the patient responsibility, if any, the actual payment, if any, for the services billed by CPT or other appropriate code, and the reason for any payment reduction to the claim submitted, including any withholds, and the reason for denial of any claim. Nothing in this Section requires that a health care professional or health care provider be paid on a service by service basis. Payments may be made based on capitation and other payment arrangements. Health care professionals and health care providers shall be allowed to collect co-payments, co-insurance, deductibles, and payment for non-covered services directly from patients except as otherwise provided by law. An insurer, health maintenance organization, independent practice association, or physician hospital organization may pay for covered services either to a patient directly or a non-participating health care professional or health care provider.

(d) When a person presents a health care service benefits information card, a health care professional or health care provider shall inform the person if he or she is not participating with the insurer, health maintenance organization, independent practice organization, or physician hospital organization issuing the card.

Section 99. Effective date. This Act takes effect on December 1, 2003."

Representative Saviano offered the following amendment and moved its adoption.

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2772, AS AMENDED, by replacing the title with the following:

"AN ACT in relation to insurance."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 1 as follows:

(215 ILCS 5/1) (from Ch. 73, par. 613)

Sec. 1. Short title. This Act ~~shall be known as~~ may be cited as the "Illinois Insurance Code." (Source: Laws 1937, p. 696.)".

The motion prevailed and the amendment was adopted and ordered printed.

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 3582. Having been printed, 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 printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3582 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Structured Settlement Protection Act.".

Representative Granberg offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3582, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Structured Settlement Protection Act.

Section 5. Definitions. For purposes of this Act:

"Annuity issuer" means an insurer that has issued a contract to fund periodic payments under a structured settlement.

"Dependents" include a payee's spouse and minor children and all other persons for whom the payee is legally obligated to provide support, including alimony.

"Discounted present value" means the present value of future payments determined by discounting such payments to the present using the most recently published Applicable Federal Rate for determining the present value of an annuity, as issued by the United States Internal Revenue Service.

"Gross advance amount" means the sum payable to the payee or for the payee's account as consideration for a transfer of structured settlement payment rights before any reductions for transfer expenses or other deductions to be made from such consideration.

"Independent professional advice" means advice of an attorney, certified public accountant, actuary, or other licensed professional adviser.

"Interested parties" means, with respect to any structured settlement, the payee, any beneficiary irrevocably designated under the annuity contract to receive payments following the payee's death, the annuity issuer, the structured settlement obligor, and any other party that has continuing rights or obligations under such structured settlement.

"Net advance amount" means the gross advance amount less the aggregate amount of the actual and estimated transfer expenses required to be disclosed under item (5) of Section 10 of this Act.

"Payee" means an individual who is receiving tax free payments under a structured settlement and proposes to make a transfer of payment rights thereunder.

"Periodic payments" includes both recurring payments and scheduled future lump sum payments.

"Qualified assignment agreement" means an agreement providing for a qualified assignment within the meaning of Section 130 of the United States Internal Revenue Code, United States Code Title 26, as amended from time to time.

"Responsible administrative authority" means, with respect to a structured settlement, any government authority vested by law with exclusive jurisdiction over the settled claim resolved by such structured settlement.

"Settled claim" means the original tort claim or workers' compensation claim resolved by a structured settlement.

"Structured settlement" means an arrangement for periodic payment of damages for personal injuries or sickness established by settlement or judgment in resolution of a tort claim or for periodic payments in settlement of a workers' compensation claim.

"Structured settlement agreement" means the agreement, judgment, stipulation, or release embodying the terms of a structured settlement.

"Structured settlement obligor" means, with respect to any structured settlement, the party that has the continuing obligation to make periodic payments to the payee under a structured settlement agreement or a qualified assignment agreement.

"Structured settlement payment rights" means rights to receive periodic payments under a structured settlement, whether from the structured settlement obligor or the annuity issuer, when:

- (1) the payee is domiciled in, or the domicile or principal place of business of the structured settlement obligor or the annuity issuer is located in, this State;
- (2) the structured settlement agreement was approved by a court or responsible administrative authority in this State; or
- (3) the structured settlement agreement is expressly governed by the laws of this State.

"Terms of the structured settlement" include, with respect to any structured settlement, the terms of the structured settlement agreement, the annuity contract, any qualified assignment agreement, and any order or other approval of any court or responsible administrative authority or other government authority that authorized or approved such structured settlement.

"Transfer" means any sale, assignment, pledge, hypothecation, or other alienation or encumbrance of structured settlement payment rights made by a payee for consideration; provided that the term "transfer" does not include the creation or perfection of a security interest in structured settlement payment rights under a blanket security agreement entered into with an insured depository institution in the absence of any action to redirect the structured settlement payments to such insured depository institution or an agent or successor in interest thereof or otherwise to enforce such blanket security interest against the structured settlement payment rights.

"Transfer agreement" means the agreement providing for a transfer of structured settlement payment rights.

"Transfer expenses" means all expenses of a transfer that are required under the transfer agreement to be paid by the payee or deducted from the gross advance amount, including, without limitation, court filing fees, attorneys fees, escrow fees, lien recordation fees, judgment and lien search fees, finders' fees, commissions, and other payments to a broker or other intermediary; "transfer expenses" do not include preexisting obligations of the payee payable for the payee's account from the proceeds of a transfer.

"Transferee" means a party acquiring or proposing to acquire structured settlement payment rights through a transfer.

Section 10. Required disclosures to payee. Not less than 3 days prior to the date on which a payee signs a transfer agreement, the transferee shall provide to the payee a separate disclosure statement, in bold type no smaller than 14 points, setting forth all of the following:

- (1) the amounts and due dates of the structured settlement payments to be transferred;
- (2) the aggregate amount of the payments;
- (3) the discounted present value of the payments to be transferred, which shall be identified as the "calculation of current value of the transferred structured settlement payments under federal standards for valuing annuities", and the amount of the Applicable Federal Rate used in calculating the discounted present value;
- (4) the gross advance amount;
- (5) an itemized listing of all applicable transfer expenses, other than attorneys' fees and related disbursements payable in connection with the transferee's application for approval of the transfer, and the transferee's best estimate of the amount of any such fees and disbursements;
- (6) the net advance amount;

(7) the amount of any penalties or liquidated damages payable by the payee in the event of any breach of the transfer agreement by the payee; and

(8) a statement that the payee has the right to cancel the transfer agreement, without penalty or further obligation, not later than the third business day after the date the agreement is signed by the payee.

Section 15. Approval of transfers of structured settlement payment rights. No direct or indirect transfer of structured settlement payment rights shall be effective and no structured settlement obligor or annuity issuer shall be required to make any payment directly or indirectly to any transferee of structured settlement payment rights unless the transfer has been approved in advance in a final court order or order of a responsible administrative authority based on express findings by such court or responsible administrative authority that:

(1) the transfer is in the best interest of the payee, taking into account the welfare and support of the payee's dependents;

(2) the payee has been advised in writing by the transferee to seek independent professional advice regarding the transfer and has either received such advice or knowingly waived such advice in writing; and

(3) the transfer does not contravene any applicable statute or the order of any court or other government authority.

Section 20. Effects of transfer of structured settlement payment rights. Following a transfer of structured settlement payment rights under this Act:

(1) the structured settlement obligor and the annuity issuer shall, as to all parties except the transferee, be discharged and released from any and all liability for the transferred payments;

(2) the transferee shall be liable to the structured settlement obligor and the annuity issuer:

(A) if the transfer contravenes the terms of the structured settlement, for any taxes incurred by the parties as a consequence of the transfer; and

(B) for any other liabilities or costs, including reasonable costs and attorneys' fees, arising from compliance by the parties with the order of the court or responsible administrative authority or arising as a consequence of the transferee's failure to comply with this Act;

(3) neither the annuity issuer nor the structured settlement obligor may be required to divide any periodic payment between the payee and any transferee or assignee or between 2 or more transferees or assignees; and

(4) any further transfer of structured settlement payment rights by the payee may be made only after compliance with all of the requirements of this Act.

Section 25. Procedure for approval of transfers.

(a) No annuity issuer or structured settlement obligor may make payments on a structured settlement to anyone other than the payee or beneficiary of the payee without prior approval of the circuit court or responsible administrative authority. No payee or beneficiary of a payee of a structured settlement may assign in any manner the structured settlement payment rights without the prior approval of the circuit court or responsible administrative authority.

(b) An application under this Act for approval of a transfer of structured settlement payment rights shall be made by the transferee and may be brought in the county in Illinois in which the transferee is located, or the payee resides, or in the county in which the structured settlement obligor or the annuity issuer maintains its principal place of business, or in any court or before any responsible administrative authority that approved the structured settlement agreement.

Section 30. General provisions; construction.

(a) The provisions of this Act may not be waived by any payee.

(b) Any transfer agreement entered into on or after the effective date of this Act by a payee who resides in this State shall provide that disputes under the transfer agreement, including any claim that the payee has breached the agreement, shall be determined in and under the laws of this State. No such transfer agreement shall authorize the transferee or any other party to confess judgment or consent to entry of judgment against the payee.

(c) No transfer of structured settlement payment rights shall extend to any payments that are life-contingent unless, prior to the date on which the payee signs the transfer agreement, the transferee has established and has agreed to maintain procedures reasonably satisfactory to the annuity issuer and the structured settlement obligor for (1) periodically confirming the payee's survival, and (2) giving the annuity issuer and the structured settlement obligor prompt written notice in the event of the payee's death.

(d) No payee who proposes to make a transfer of structured settlement payment rights shall incur any

penalty, forfeit any application fee or other payment, or otherwise incur any liability to the proposed transferee or any assignee based on any failure of the transfer to satisfy the conditions of this Act.

(e) Nothing contained in this Act shall be construed to authorize any transfer of structured settlement payment rights in contravention of any law or to imply that any transfer under a transfer agreement entered into prior to the effective date of this Act is valid or invalid.

(f) Compliance with the requirements set forth in Section 10 of this Act and fulfillment of the conditions set forth in Section 15 of this Act shall be solely the responsibility of the transferee in any transfer of structured settlement payment rights, and neither the structured settlement obligor nor the annuity issuer shall bear any responsibility for, or any liability arising from, non-compliance with those requirements or failure to fulfill those conditions.

Section 35. Applicability. This Act shall apply to any transfer of structured settlement payment rights under a transfer agreement entered into on or after the 30th day after the effective date of this Act; provided, however, that nothing contained herein shall imply that any transfer under a transfer agreement reached prior to that date is either effective or ineffective.

(215 ILCS 5/155.34 rep.)

Section 97. The Illinois Insurance Code is amended by repealing Section 155.34."

The motion prevailed and the amendment was adopted and ordered printed.

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

HOUSE BILL 2486. Having been recalled on March 20, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Nekritz offered the following amendment and moved its adoption.

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2486 as follows:
on page 4, by deleting lines 24 through 33; and
on page 5, line 1, by changing "(c)" to "(b)"; and
on page 5 lines 18 and 19, by deleting ", a State's Attorney, or a municipal attorney".

The motion prevailed and the amendments were adopted and ordered printed.

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

HOUSE BILL 3088. Having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on Higher Education, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3088 on page 1, line 26, after "programs", by inserting ", enrolls a majority of its students in degree programs.".

Representative McCarthy offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3088, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Private Business and Vocational Schools Act is amended by changing Section 1.1 as follows:

(105 ILCS 425/1.1) (from Ch. 144, par. 136.1)

Sec. 1.1. Exemptions and annual filing. (a) For purposes of this Act, the following shall not be considered to be a private business and vocational school:

- (1) Any eleemosynary institution.
- (2) Any religious institution.
- (3) Any public educational institution exempt from property taxation under the laws of Illinois ~~this State~~.

(4) Any in-service course of instruction and subject offered by an employer provided no tuition is charged and such instruction is offered only to employees of such employer.

(5) Any educational institution which on the effective date of this amendatory Act of 1984 or which on January 2, 2001 enrolls a majority of its students in degree programs, has maintained an accredited status with the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools, and is regulated by the Illinois Board of Higher Education under the Private College Act or the Academic Degree Act, or which is exempt from such regulation under either of the foregoing Acts solely for the reason that such educational institution was in operation on the effective date of either such Act.

(6) Any institution and the franchisees of such institution which offer exclusively a course of instruction in income tax theory or return preparation at a total contract price of no more than \$400, provided that the total annual enrollment of such institution for all such courses of instruction exceeds 500 students, and further provided that the total contract price for all instruction offered to a student in any one calendar year does not exceed \$400. For each calendar year after 1990, the total contract price shall be adjusted, rounded off to the nearest dollar, by the same percentage as the increase or decrease in the general price level as measured by the consumer price index for all urban consumers for the United States, or its successor index, as defined and officially reported by the United States Department of Labor, or its successor agency. The change in the index shall be that as first published by the Department of Labor for the calendar year immediately preceding the year in which the total contract price is calculated.

(b) An institution exempted under subsection (a) of this Section must file with the Superintendent an annual financial report to demonstrate continued compliance by the institution with the requirements on which the exemption is based. (Source: P.A. 92-62, eff. 1-1-02.)

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

The motion prevailed and the amendment was adopted and ordered printed.

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 2549. Having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 remained in the Committee on Rules.

Representative Joyce offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2549 by replacing everything after the enacting clause with the following:

"Section 5. The Mosquito Abatement District Act is amended by changing Section 1 as follows:
(70 ILCS 1005/1) (from Ch. 111 1/2, par. 74)

Sec. 1. Any contiguous territory having a population of not less than 300 inhabitants and no part of which is already included in a mosquito abatement district may be organized as a mosquito abatement district in the following manner:

Any 5% of the legal voters within the limits of the proposed mosquito abatement district may petition the circuit court for the county in which such territory lies, to order the question whether such territory shall be organized as a mosquito abatement district under this Act to be submitted to the legal voters of such territory, but every petition must ~~shall~~ be signed by at least 25 legal voters residing within the territory proposed to be organized as a mosquito abatement district, and in case the ~~such~~ territory includes more than one city, village or incorporated town, or any portions thereof, or includes one or more cities, villages or incorporated towns, or any portion thereof and territory not a part of any city, village or incorporated town, then the ~~such~~ petition must be signed by at least 5% of the legal voters residing in each of these ~~the said~~

cities, villages, or incorporated towns, or portions thereof, and by at least 5% of the legal voters residing in the territory not a part of any city, village or incorporated town. Such petition addressed to the court must ~~shall~~ contain a definite description of the boundaries of the territory proposed to be organized as a mosquito abatement district, and must ~~shall~~ set forth the name of the proposed district, which name shall be The... Mosquito Abatement District. (Source: P.A. 81-1489.)".

The motion prevailed and the amendment was adopted and ordered printed.

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 2203. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Juvenile Justice Reform, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2203 as follows:

by replacing everything after the enacting clause with the following:

"Section 5. The Juvenile Court Act of 1987 is amended by adding Section 2-4a as follows:

(705 ILCS 405/2-4a new)

Sec. 2-4a. Special immigrant minor.

(a) Except as otherwise provided in this Act, a special immigrant minor under 18 years of age who has been made a ward of the court may be deemed eligible by the court for long-term foster care due to abuse, neglect, or abandonment and remain under the jurisdiction of the juvenile court until his or her special immigrant juvenile status and adjustment of status applications are adjudicated. The petition filed on behalf of the special immigrant minor must allege that he or she otherwise satisfies the prerequisites for special immigrant juvenile status pursuant to 8 U.S.C. Section 1101(a)(27)(J) and must state the custodial status sought on behalf of the minor.

(b) For the purposes of this Section, a juvenile court may make a finding that a special immigrant minor is eligible for long term foster care if the court makes the following findings:

(1) That a reasonable diligent search for biological parents, prior adoptive parents, or prior legal guardians has been conducted; and

(2) That reunification with the minor's biological parents, prior adoptive parents, or prior legal guardian is not a viable option.

(c) For the purposes of this Section:

(1) The term "abandonment" means the failure of a parent or legal guardian to maintain a reasonable degree of interest, concern, or responsibility for the welfare of his or her minor child or ward.

(2) The term "special immigrant minor" means an immigrant minor who (i) is present in the United States and has been made a ward of the court and (ii) for whom it has been determined in an administrative or judicial proceeding that it would not be in his or her best interests to be returned to his or her previous county of nationality or country of last habitual residence.

(d) This Section does not apply to a minor who applies for special immigrant minor status solely for the purpose of qualifying for financial assistance for himself or herself or for his or her parents, guardian, or custodian.

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

Representative Hamos offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2203, AS AMENDED, with reference to the page and line numbers of House Amendment No. 1, on page 2, by replacing line 8 with the following:

"parents or prior adoptive parents"; and

on page 2, line 18, by inserting "by the juvenile court or", after "determined"; and

on page 2, line 20, by changing "county" to "country".

The motion prevailed and the amendment was adopted and ordered printed.

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.

RESOLUTIONS

HOUSE RESOLUTION 172 was taken up for consideration.
Representative Brady moved the adoption of the resolution.
The motion prevailed Resolution was adopted.

HOUSE RESOLUTION 69 was taken up for consideration.
Representative Brauer moved the adoption of the resolution.
The motion prevailed and the Resolution was adopted.

HOUSE BILLS ON SECOND READING

HOUSE BILL 3493. Having been recalled on March 25, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Rose offered the following amendment and moved its adoption.

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3493, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Methamphetamine Manufacturing Facility Cleanup Fund.

Section 10. The Illinois Controlled Substances Act is amended by adding Section 411.3 as follows:

(720 ILCS 570/411.3 new)

Sec. 411.3. Methamphetamine Manufacturing Facility Cleanup Fund.

(a) There is created in the State treasury, the Methamphetamine Manufacturing Facility Cleanup Fund. A person convicted of a violation of Section 401 of this Act by manufacturing methamphetamine or by possessing a methamphetamine manufacturing chemical with the intent to manufacture methamphetamine shall be assessed an additional fine by the court to pay for the cost of cleanup of the facility in which the methamphetamine was being manufactured.

(b) The court shall impose a minimum fine of \$5 upon each person convicted of a violation of Section 401 of this Act by manufacturing methamphetamine or by possessing a methamphetamine manufacturing chemical or a methamphetamine precursor with the intent to manufacture methamphetamine. The proceeds of the fine shall be deposited into the Methamphetamine Manufacturing Facility Cleanup Fund.

(c) The Methamphetamine Manufacturing Facility Cleanup Fund shall be administered by the Environmental Protection Agency. The Agency shall make grants from the Fund to units of local government to pay for the cost of cleanup of facilities in which the methamphetamine was being manufactured. The Agency shall adopt rules specifying the manner in which units of local government may apply for grants under this Section."

The motion prevailed and the amendment was adopted and ordered printed.

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

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were printed and laid upon the Members' desks. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Novak, HOUSE BILL 386 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; 1, 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 Novak, HOUSE BILL 2779 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: 115, Yeas; 0, 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.

On motion of Representative Kosel, HOUSE BILL 2809 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: 116, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 11)

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 Mendoza, HOUSE BILL 310 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: 115, Yeas; 1, 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 Franks, HOUSE BILL 528 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: 96, Yeas; 18, Nays; 1, 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 343 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: 116, 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 McKeon, HOUSE BILL 2339 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: 116, Yeas; 0, Nays; 0, 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 SECOND READING

HOUSE BILL 506. Having been printed, was taken up and read by title a second time. Representative Bailey offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 506 as follows:

by replacing everything after the enacting clause with the following:

"Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 110-5 as follows: (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

Sec. 110-5. Determining the amount of bail and conditions of release. (a) In determining the amount of monetary bail or conditions of release, if any, which will reasonably assure the appearance of a defendant as required or the safety of any other person or the community and the likelihood of compliance by the defendant with all the conditions of bail, the court shall, on the basis of available information, take into account such matters as the nature and circumstances of the offense charged, whether the evidence shows that as part of the offense there was a use of violence or threatened use of violence, whether the offense involved corruption of public officials or employees, whether there was physical harm or threats of physical harm to any public official, public employee, judge, prosecutor, juror or witness, senior citizen, child or handicapped person, whether evidence shows that during the offense or during the arrest the defendant possessed or used a firearm, machine gun, explosive or metal piercing ammunition or explosive bomb device or any military or paramilitary armament, whether the evidence shows that the offense committed was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang, the condition of the victim, any written statement submitted by the victim or proffer or representation by the State regarding the impact which the alleged criminal conduct has had on the victim and the victim's concern, if any, with further contact with the defendant if released on bail, whether the offense was based on racial, religious, sexual orientation or ethnic hatred, the likelihood of the filing of a greater charge, the likelihood of conviction, the sentence applicable upon conviction, the weight of the evidence against such defendant, whether there exists motivation or ability to flee, whether there is any verification as to prior residence, education, or family ties in the local jurisdiction, in another county, state or foreign country, the defendant's employment, financial resources, character and mental condition, past conduct, prior use of alias names or dates of birth, and length of residence in the community, the consent of the defendant to periodic drug testing in accordance with Section 110-6.5, whether a foreign national defendant is lawfully admitted in the United States of America, whether the government of the foreign national maintains an extradition treaty with the United States by which the foreign government will extradite to the United States its national for a trial for a crime allegedly committed in the United States, whether the defendant is currently subject to deportation or exclusion under the immigration laws of the United States, whether the defendant, although a United States citizen, is considered under the law of any foreign state a national of that state for the purposes of extradition or non-extradition to the United States, the amount of unrecovered proceeds lost as a result of the alleged offense, the source of bail funds tendered or sought to be tendered for bail, whether from the totality of the court's consideration, the loss of funds posted or sought to be posted for bail will not deter the

defendant from flight, whether the evidence shows that the defendant is engaged in significant possession, manufacture, or delivery of a controlled substance or cannabis, either individually or in consort with others, whether at the time of the offense charged he was on bond or pre-trial release pending trial, probation, periodic imprisonment or conditional discharge pursuant to this Code or the comparable Code of any other state or federal jurisdiction, whether the defendant is on bond or pre-trial release pending the imposition or execution of sentence or appeal of sentence for any offense under the laws of Illinois or any other state or federal jurisdiction, whether the defendant is under parole or mandatory supervised release or work release from the Illinois Department of Corrections or any penal institution or corrections department of any state or federal jurisdiction, the defendant's record of convictions, whether the defendant has been convicted of a misdemeanor or ordinance offense in Illinois or similar offense in other state or federal jurisdiction within the 10 years preceding the current charge or convicted of a felony in Illinois, whether the defendant was convicted of an offense in another state or federal jurisdiction that would be a felony if committed in Illinois within the 20 years preceding the current charge or has been convicted of such felony and released from the penitentiary within 20 years preceding the current charge if a penitentiary sentence was imposed in Illinois or other state or federal jurisdiction, the defendant's records of juvenile adjudication of delinquency in any jurisdiction, any record of appearance or failure to appear by the defendant at court proceedings, whether there was flight to avoid arrest or prosecution, whether the defendant escaped or attempted to escape to avoid arrest, whether the defendant refused to identify himself, or whether there was a refusal by the defendant to be fingerprinted as required by law. Information used by the court in its findings or stated in or offered in connection with this Section may be by way of proffer based upon reliable information offered by the State or defendant. All evidence shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence applicable at criminal trials. If the State presents evidence that the offense committed by the defendant was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang, and if the court determines that the evidence may be substantiated, the court shall prohibit the defendant from associating with other members of the organized gang as a condition of bail or release. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(b) The amount of bail shall be:

(1) Sufficient to assure compliance with the conditions set forth in the bail bond, which shall include the defendant's current address with a written admonishment to the defendant that he or she must comply with the provisions of Section 110-12 regarding any change in his or her address. The defendant's address shall at all times remain a matter of public record with the clerk of the court.

(2) Not oppressive.

(3) Considerate of the financial ability of the accused.

(4) When a person is charged with a drug related offense involving possession or delivery of cannabis or possession or delivery of a controlled substance as defined in the Cannabis Control Act, as amended, or the Illinois Controlled Substances Act, as amended, the full street value of the drugs seized shall be considered. "Street value" shall be determined by the court on the basis of a proffer by the State based upon reliable information of a law enforcement official contained in a written report as to the amount seized and such proffer may be used by the court as to the current street value of the smallest unit of the drug seized.

(c) When a person is charged with an offense punishable by fine only the amount of the bail shall not exceed double the amount of the maximum penalty.

(d) When a person has been convicted of an offense and only a fine has been imposed the amount of the bail shall not exceed double the amount of the fine.

(e) The State may appeal any order granting bail or setting a given amount for bail. (Source: P.A. 88-677, eff. 12-15-94; 88-679, eff. 7-1-95; 89-235, eff. 8-4-95; 89-377, eff. 8-18-95.)".

Representative Steve Davis requests a roll call vote.

Representative McKeon requests a verified roll call.

The motion was withdrawn.

Representative McCarthy moves the previous question.

The motion prevailed.

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

83, Yeas; 14, Nays; 18, Answering Present.

(ROLL CALL 16)

The motion prevailed and the amendment was adopted and ordered printed.

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.

RESOLUTIONS

HOUSE RESOLUTION 148 was taken up for consideration.
Representative Novak moved the adoption of the resolution.
The motion prevailed and the Resolution was adopted.

ADJOURNMENT RESOLUTION

Representative Currie asked and obtained unanimous consent to suspend the provisions of Rule 25 for the immediate consideration of the foregoing message from the Senate reporting their adoption of SENATE JOINT RESOLUTION 29.

Representative Currie then moved the adoption of the resolution.
The motion prevailed and SENATE JOINT RESOLUTION 29 was adopted.
Ordered that the Clerk inform the Senate.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 168, 170, 174, 177, 178 and 179 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 2:27 o'clock p.m., Representative Currie moved that the House do now adjourn.
The motion prevailed.

And in accordance therewith and pursuant to SENATE JOINT RESOLUTION 29, the House stood adjourned until Monday, March 31, 2003, at 4:00 o'clock p.m.

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

March 28, 2003

0 YEAS

0 NAYS

117 PRESENT

E Acevedo	P Delgado	P Lang	P Parke
P Aguilar	P Dunkin	P Leitch	P Phelps
P Bailey	P Dunn	P Lindner	P Pihos
P Bassi	P Eddy	P Lyons, Eileen	P Poe
P Beaubien	P Feigenholtz	P Lyons, Joseph	P Reitz
P Bellock	P Flider	P Mathias	P Rita
P Berrios	P Flowers	P Mautino	P Rose
P Biggins	P Forby	P May	P Ryg
P Black	P Franks	P McAuliffe	P Sacia
P Boland	P Fritchey	P McCarthy	P Saviano
P Bost	P Froehlich	P McGuire	P Schmitz
P Bradley	P Giles	P McKeon	P Scully
P Brady	P Graham	P Mendoza	P Slone
P Brauer	P Granberg	P Meyer	P Smith
P Brosnahan	P Hamos	P Miller	P Sommer
P Brunsvold	P Hannig	P Millner	P Soto
P Burke	P Hartke	P Mitchell, Bill	P Stephens
P Capparelli	P Hassert	P Mitchell, Jerry	P Sullivan
P Chapa LaVia	P Hoffman	P Moffitt	P Tenhouse
P Churchill	P Holbrook	P Molaro	P Turner
P Collins	P Howard	P Morrow	P Wait
P Colvin	P Hultgren	P Mulligan	P Washington
P Coulson	P Jakobsson	P Munson	P Watson
P Cross	P Jefferson	P Myers	P Winters
P Cultra	P Jones	P Nekritz	P Wirsing
P Currie	P Joyce	P Novak	P Yarbrough
P Daniels	P Kelly	P O'Brien	P Younge
P Davis, Monique	P Kosel	P Osmond	P Mr. Speaker
P Davis, Steve	P Krause	P Osterman	
P Davis, Will	P Kurtz	P Pankau	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 2658
 BUILD IL BND-DECREAS AUTH-TECH
 THIRD READING
 3/5 VOTE REQUIRED
 PASSED

March 28, 2003

72 YEAS

35 NAYS

9 PRESENT

E Acevedo	Y Delgado	Y Lang	N Parke
N Aguilar	Y Dunkin	Y Leitch	Y Phelps
Y Bailey	N Dunn	P Lindner	N Pihos
P Bassi	N Eddy	N Lyons, Eileen	Y Poe
P Beaubien	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
N Bellock	Y Flider	N Mathias	Y Rita
Y Berrios	Y Flowers	Y Mautino	N Rose
N Biggins	Y Forby	Y May	N Ryg
Y Black	Y Franks	N McAuliffe	Y Sacia
Y Boland	Y Fritchey	Y McCarthy	N Saviano
P Bost	N Froehlich	Y McGuire	N Schmitz
Y Bradley	Y Giles	Y McKeon	Y Scully
P Brady	Y Graham	Y Mendoza	Y Slone
Y Brauer	Y Granberg	N Meyer	Y Smith
Y Brosnahan	N Hamos	Y Miller	N Sommer
Y Brunsvold	N Hannig	N Millner	Y Soto
Y Burke	Y Hartke	Y Mitchell, Bill	N Stephens
Y Capparelli	P Hassert	Y Mitchell, Jerry	N Sullivan
Y Chapa LaVia	Y Hoffman	Y Moffitt	Y Tenhouse
A Churchill	N Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	Y Wait
Y Colvin	Y Hultgren	N Mulligan	Y Washington
N Coulson	Y Jakobsson	N Munson	N Watson
P Cross	Y Jefferson	P Myers	N Winters
N Cultra	Y Jones	N Nekritz	Y Wirsing
Y Currie	Y Joyce	Y Novak	Y Yarbrough
N Daniels	Y Kelly	Y O'Brien	Y Younge
Y Davis, Monique	N Kosel	P Osmond	Y Mr. Speaker
Y Davis, Steve	N Krause	Y Osterman	
Y Davis, Will	N Kurtz	N Pankau	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 74
DHS-MHDD FUNDING REDUCTION
THIRD READING
PASSED

March 28, 2003

114 YEAS

3 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Parke
Y Aguilar	Y Dunkin	Y Leitch	N Phelps
Y Bailey	Y Dunn	Y Lindner	Y Pihos
Y Bassi	Y Eddy	Y Lyons, Eileen	Y Poe
Y Beaubien	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Bellock	N Flider	Y Mathias	Y Rita
Y Berrios	Y Flowers	Y Mautino	Y Rose
Y Biggins	N Forby	Y May	Y Ryg
Y Black	Y Franks	Y McAuliffe	Y Sacia
Y Boland	Y Fritchey	Y McCarthy	Y Saviano
Y Bost	Y Froehlich	Y McGuire	Y Schmitz
Y Bradley	Y Giles	Y McKeon	Y Scully
Y Brady	Y Graham	Y Mendoza	Y Slone
Y Brauer	Y Granberg	Y Meyer	Y Smith
Y Brosnahan	Y Hamos	Y Miller	Y Sommer
Y Brunsvold	Y Hannig	Y Millner	Y Soto
Y Burke	Y Hartke	Y Mitchell, Bill	Y Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hoffman	Y Moffitt	Y Tenhouse
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	Y Wait
Y Colvin	Y Hultgren	Y Mulligan	Y Washington
Y Coulson	Y Jakobsson	Y Munson	Y Watson
Y Cross	Y Jefferson	Y Myers	Y Winters
Y Cultra	Y Jones	Y Nekritz	Y Wirsing
Y Currie	Y Joyce	Y Novak	Y Yarbrough
Y Daniels	Y Kelly	Y O'Brien	Y Younge
Y Davis, Monique	Y Kosel	Y Osmond	Y Mr. Speaker
Y Davis, Steve	Y Krause	Y Osterman	
Y Davis, Will	Y Kurtz	Y Pankau	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 2412
 CRIM CD-BAD CHECK DIVERSION
 THIRD READING
 PASSED

March 28, 2003

110 YEAS

6 NAYS

1 PRESENT

E Acevedo	Y Delgado	N Lang	Y Parke
Y Aguilar	Y Dunkin	Y Leitch	Y Phelps
Y Bailey	Y Dunn	Y Lindner	Y Pihos
Y Bassi	Y Eddy	Y Lyons, Eileen	Y Poe
Y Beaubien	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Bellock	Y Flider	Y Mathias	Y Rita
Y Berrios	Y Flowers	Y Mautino	Y Rose
Y Biggins	Y Forby	Y May	Y Ryg
Y Black	N Franks	Y McAuliffe	Y Sacia
Y Boland	Y Fritchey	Y McCarthy	Y Saviano
Y Bost	Y Froehlich	Y McGuire	Y Schmitz
Y Bradley	Y Giles	Y McKeon	N Scully
Y Brady	Y Graham	Y Mendoza	Y Slone
Y Brauer	N Granberg	Y Meyer	Y Smith
Y Brosnahan	Y Hamos	Y Miller	Y Sommer
Y Brunsvold	Y Hannig	Y Millner	Y Soto
Y Burke	Y Hartke	Y Mitchell, Bill	Y Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	Y Sullivan
N Chapa LaVia	Y Hoffman	Y Moffitt	Y Tenhouse
Y Churchill	Y Holbrook	P Molaro	Y Turner
N Collins	Y Howard	Y Morrow	Y Wait
Y Colvin	Y Hultgren	Y Mulligan	Y Washington
Y Coulson	Y Jakobsson	Y Munson	Y Watson
Y Cross	Y Jefferson	Y Myers	Y Winters
Y Cultra	Y Jones	Y Nekritz	Y Wirsing
Y Currie	Y Joyce	Y Novak	Y Yarbrough
Y Daniels	Y Kelly	Y O'Brien	Y Younge
Y Davis, Monique	Y Kosel	Y Osmond	Y Mr. Speaker
Y Davis, Steve	Y Krause	Y Osterman	
Y Davis, Will	Y Kurtz	Y Pankau	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 191
ICD CORR-PRISONER REV BD
THIRD READING
PASSED

March 28, 2003

95 YEAS

19 NAYS

3 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Parke
Y Aguilar	P Dunkin	Y Leitch	Y Phelps
Y Bailey	Y Dunn	Y Lindner	Y Pihos
Y Bassi	Y Eddy	Y Lyons, Eileen	Y Poe
Y Beaubien	N Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Bellock	Y Flider	Y Mathias	Y Rita
Y Berrios	N Flowers	Y Mautino	Y Rose
Y Biggins	Y Forby	Y May	Y Ryg
Y Black	Y Franks	Y McAuliffe	Y Sacia
Y Boland	P Fritchey	Y McCarthy	Y Saviano
Y Bost	Y Froehlich	Y McGuire	Y Schmitz
Y Bradley	N Giles	N McKeon	Y Scully
Y Brady	N Graham	Y Mendoza	Y Slone
Y Brauer	Y Granberg	Y Meyer	Y Smith
Y Brosnahan	N Hamos	N Miller	Y Sommer
Y Brunsvold	Y Hannig	Y Millner	Y Soto
Y Burke	Y Hartke	Y Mitchell, Bill	Y Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hoffman	Y Moffitt	Y Tenhouse
Y Churchill	Y Holbrook	Y Molaro	N Turner
N Collins	N Howard	N Morrow	Y Wait
Y Colvin	Y Hultgren	Y Mulligan	N Washington
Y Coulson	Y Jakobsson	Y Munson	Y Watson
Y Cross	N Jefferson	Y Myers	Y Winters
Y Cultra	P Jones	Y Nekritz	Y Wirsing
N Currie	Y Joyce	Y Novak	N Yarbrough
Y Daniels	N Kelly	Y O'Brien	Y Younge
N Davis, Monique	Y Kosel	Y Osmond	Y Mr. Speaker
Y Davis, Steve	Y Krause	N Osterman	
N Davis, Will	Y Kurtz	Y Pankau	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 1543
 HIGHER ED-LINE ITEM APPROPS
 THIRD READING
 PASSED

March 28, 2003

117 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Parke
Y Aguilar	Y Dunkin	Y Leitch	Y Phelps
Y Bailey	Y Dunn	Y Lindner	Y Pihos
Y Bassi	Y Eddy	Y Lyons, Eileen	Y Poe
Y Beaubien	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Bellock	Y Flider	Y Mathias	Y Rita
Y Berrios	Y Flowers	Y Mautino	Y Rose
Y Biggins	Y Forby	Y May	Y Ryg
Y Black	Y Franks	Y McAuliffe	Y Sacia
Y Boland	Y Fritchey	Y McCarthy	Y Saviano
Y Bost	Y Froehlich	Y McGuire	Y Schmitz
Y Bradley	Y Giles	Y McKeon	Y Scully
Y Brady	Y Graham	Y Mendoza	Y Slone
Y Brauer	Y Granberg	Y Meyer	Y Smith
Y Brosnahan	Y Hamos	Y Miller	Y Sommer
Y Brunsvold	Y Hannig	Y Millner	Y Soto
Y Burke	Y Hartke	Y Mitchell, Bill	Y Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hoffman	Y Moffitt	Y Tenhouse
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	Y Wait
Y Colvin	Y Hultgren	Y Mulligan	Y Washington
Y Coulson	Y Jakobsson	Y Munson	Y Watson
Y Cross	Y Jefferson	Y Myers	Y Winters
Y Cultra	Y Jones	Y Nekritz	Y Wirsing
Y Currie	Y Joyce	Y Novak	Y Yarbrough
Y Daniels	Y Kelly	Y O'Brien	Y Younge
Y Davis, Monique	Y Kosel	Y Osmond	Y Mr. Speaker
Y Davis, Steve	Y Krause	Y Osterman	
Y Davis, Will	Y Kurtz	Y Pankau	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 339
BINGO ACT-RAISE PRIZE LIMITS
THIRD READING
PASSED

March 28, 2003

61 YEAS

49 NAYS

5 PRESENT

E Acevedo	Y Delgado	Y Lang	P Parke
Y Aguilar	Y Dunkin	Y Leitch	N Phelps
Y Bailey	N Dunn	Y Lindner	Y Pihos
N Bassi	N Eddy	N Lyons, Eileen	N Poe
Y Beaubien	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
N Bellock	N Flider	N Mathias	N Rita
Y Berrios	Y Flowers	Y Mautino	N Rose
N Biggins	Y Forby	N May	N Ryg
N Black	N Franks	Y McAuliffe	N Sacia
N Boland	N Fritchey	Y McCarthy	N Saviano
N Bost	Y Froehlich	N McGuire	N Schmitz
Y Bradley	P Giles	Y McKeon	Y Scully
N Brady	Y Graham	Y Mendoza	Y Slone
N Brauer	N Granberg	N Meyer	Y Smith
Y Brosnahan	Y Hamos	N Miller	N Sommer
Y Brunsvold	Y Hannig	Y Millner	Y Soto
Y Burke	Y Hartke	N Mitchell, Bill	N Stephens
Y Capparelli	Y Hassert	N Mitchell, Jerry	Y Sullivan
N Chapa LaVia	Y Hoffman	N Moffitt	N Tenhouse
N Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	Y Wait
P Colvin	N Hultgren	N Mulligan	Y Washington
N Coulson	N Jakobsson	N Munson	N Watson
Y Cross	N Jefferson	N Myers	Y Winters
N Cultra	Y Jones	N Nekritz	Y Wirsing
Y Currie	A Joyce	N Novak	P Yarbrough
A Daniels	N Kelly	Y O'Brien	Y Younge
Y Davis, Monique	N Kosel	Y Osmond	Y Mr. Speaker
Y Davis, Steve	Y Krause	Y Osterman	
P Davis, Will	Y Kurtz	Y Pankau	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3656
 SAFEKEEPING OF DEPOSITS
 THIRD READING
 PASSED

March 28, 2003

116 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Parke
Y Aguilar	Y Dunkin	Y Leitch	Y Phelps
Y Bailey	Y Dunn	Y Lindner	Y Pihos
Y Bassi	Y Eddy	Y Lyons, Eileen	Y Poe
Y Beaubien	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Bellock	Y Flider	Y Mathias	Y Rita
Y Berrios	Y Flowers	Y Mautino	Y Rose
Y Biggins	Y Forby	Y May	Y Ryg
Y Black	Y Franks	Y McAuliffe	Y Sacia
Y Boland	Y Fritchey	Y McCarthy	Y Saviano
Y Bost	Y Froehlich	Y McGuire	Y Schmitz
Y Bradley	Y Giles	Y McKeon	Y Scully
Y Brady	Y Graham	Y Mendoza	Y Slone
Y Brauer	Y Granberg	Y Meyer	Y Smith
Y Brosnahan	Y Hamos	Y Miller	Y Sommer
Y Brunsvold	Y Hannig	Y Millner	Y Soto
Y Burke	Y Hartke	Y Mitchell, Bill	Y Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hoffman	Y Moffitt	Y Tenhouse
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	Y Wait
Y Colvin	Y Hultgren	Y Mulligan	Y Washington
Y Coulson	Y Jakobsson	Y Munson	Y Watson
Y Cross	Y Jefferson	Y Myers	Y Winters
Y Cultra	Y Jones	Y Nekritz	Y Wirsing
Y Currie	Y Joyce	Y Novak	Y Yarbrough
A Daniels	Y Kelly	Y O'Brien	Y Younge
Y Davis, Monique	Y Kosel	Y Osmond	Y Mr. Speaker
Y Davis, Steve	Y Krause	Y Osterman	
Y Davis, Will	Y Kurtz	Y Pankau	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 386
NET METERING PILOT PROGRAMS
THIRD READING
PASSED

March 28, 2003

114 YEAS

0 NAYS

1 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Parke
Y Aguilar	Y Dunkin	Y Leitch	Y Phelps
Y Bailey	Y Dunn	Y Lindner	Y Pihos
Y Bassi	Y Eddy	Y Lyons, Eileen	Y Poe
Y Beaubien	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
A Bellock	P Flider	Y Mathias	Y Rita
Y Berrios	Y Flowers	Y Mautino	Y Rose
Y Biggins	Y Forby	Y May	Y Ryg
Y Black	Y Franks	Y McAuliffe	Y Sacia
Y Boland	Y Fritchey	Y McCarthy	Y Saviano
Y Bost	Y Froehlich	Y McGuire	Y Schmitz
Y Bradley	Y Giles	Y McKeon	Y Scully
Y Brady	Y Graham	Y Mendoza	Y Slone
Y Brauer	Y Granberg	Y Meyer	Y Smith
Y Brosnahan	Y Hamos	Y Miller	Y Sommer
Y Brunsvold	Y Hannig	Y Millner	Y Soto
Y Burke	Y Hartke	Y Mitchell, Bill	Y Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hoffman	Y Moffitt	Y Tenhouse
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	Y Wait
Y Colvin	Y Hultgren	Y Mulligan	Y Washington
Y Coulson	Y Jakobsson	Y Munson	Y Watson
Y Cross	Y Jefferson	Y Myers	Y Winters
Y Cultra	Y Jones	Y Nekritz	Y Wirsing
Y Currie	Y Joyce	Y Novak	Y Yarbrough
A Daniels	Y Kelly	Y O'Brien	Y Younge
Y Davis, Monique	Y Kosel	Y Osmond	Y Mr. Speaker
Y Davis, Steve	Y Krause	Y Osterman	
Y Davis, Will	Y Kurtz	Y Pankau	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 2779
ELECTRIC AGGREGATION MUNI CTY
THIRD READING
PASSED

March 28, 2003

115 YEAS

0 NAYS

1 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Parke
Y Aguilar	Y Dunkin	Y Leitch	Y Phelps
Y Bailey	Y Dunn	Y Lindner	Y Pihos
Y Bassi	Y Eddy	Y Lyons, Eileen	Y Poe
Y Beaubien	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Bellock	P Flider	Y Mathias	Y Rita
Y Berrios	Y Flowers	Y Mautino	Y Rose
Y Biggins	Y Forby	Y May	Y Ryg
Y Black	Y Franks	Y McAuliffe	Y Sacia
Y Boland	Y Fritchey	Y McCarthy	Y Saviano
Y Bost	Y Froehlich	Y McGuire	Y Schmitz
Y Bradley	Y Giles	Y McKeon	Y Scully
Y Brady	Y Graham	Y Mendoza	Y Slone
Y Brauer	Y Granberg	Y Meyer	Y Smith
Y Brosnahan	Y Hamos	Y Miller	Y Sommer
Y Brunsvold	Y Hannig	Y Millner	Y Soto
Y Burke	Y Hartke	Y Mitchell, Bill	Y Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hoffman	Y Moffitt	Y Tenhouse
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	Y Wait
Y Colvin	Y Hultgren	Y Mulligan	Y Washington
Y Coulson	Y Jakobsson	Y Munson	Y Watson
Y Cross	Y Jefferson	Y Myers	Y Winters
Y Cultra	Y Jones	Y Nekritz	Y Wirsing
Y Currie	Y Joyce	Y Novak	Y Yarbrough
A Daniels	Y Kelly	Y O'Brien	Y Younge
Y Davis, Monique	Y Kosel	Y Osmond	Y Mr. Speaker
Y Davis, Steve	Y Krause	Y Osterman	
Y Davis, Will	Y Kurtz	Y Pankau	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 2809
NURSING-CENTER FOR NURSING
THIRD READING
PASSED

March 28, 2003

116 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Parke
Y Aguilar	Y Dunkin	Y Leitch	Y Phelps
Y Bailey	Y Dunn	Y Lindner	Y Pihos
Y Bassi	Y Eddy	Y Lyons, Eileen	Y Poe
Y Beaubien	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Bellock	Y Flider	Y Mathias	Y Rita
Y Berrios	Y Flowers	Y Mautino	Y Rose
Y Biggins	Y Forby	Y May	Y Ryg
Y Black	Y Franks	Y McAuliffe	Y Sacia
Y Boland	Y Fritchey	Y McCarthy	Y Saviano
Y Bost	Y Froehlich	Y McGuire	Y Schmitz
Y Bradley	Y Giles	Y McKeon	Y Scully
Y Brady	Y Graham	Y Mendoza	Y Slone
Y Brauer	Y Granberg	Y Meyer	Y Smith
Y Brosnahan	Y Hamos	Y Miller	Y Sommer
Y Brunsvold	Y Hannig	Y Millner	Y Soto
Y Burke	Y Hartke	Y Mitchell, Bill	Y Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hoffman	Y Moffitt	Y Tenhouse
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	Y Wait
Y Colvin	Y Hultgren	Y Mulligan	Y Washington
Y Coulson	Y Jakobsson	Y Munson	Y Watson
Y Cross	Y Jefferson	Y Myers	Y Winters
Y Cultra	Y Jones	Y Nekritz	Y Wirsing
Y Currie	Y Joyce	Y Novak	Y Yarbrough
A Daniels	Y Kelly	Y O'Brien	Y Younge
Y Davis, Monique	Y Kosel	Y Osmond	Y Mr. Speaker
Y Davis, Steve	Y Krause	Y Osterman	
Y Davis, Will	Y Kurtz	Y Pankau	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 310
 DAY LABOR-3RD PARTY EMPLOYER
 THIRD READING
 PASSED

March 28, 2003

115 YEAS

1 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Parke
Y Aguilar	Y Dunkin	Y Leitch	Y Phelps
Y Bailey	Y Dunn	Y Lindner	Y Pihos
Y Bassi	Y Eddy	Y Lyons, Eileen	Y Poe
Y Beaubien	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Bellock	Y Flider	Y Mathias	Y Rita
Y Berrios	Y Flowers	Y Mautino	Y Rose
Y Biggins	Y Forby	Y May	Y Ryg
Y Black	Y Franks	Y McAuliffe	Y Sacia
Y Boland	Y Fritchey	Y McCarthy	Y Saviano
Y Bost	Y Froehlich	Y McGuire	Y Schmitz
Y Bradley	Y Giles	Y McKeon	Y Scully
Y Brady	Y Graham	Y Mendoza	Y Slone
Y Brauer	Y Granberg	Y Meyer	Y Smith
Y Brosnahan	Y Hamos	Y Miller	Y Sommer
Y Brunsvold	Y Hannig	Y Millner	Y Soto
Y Burke	Y Hartke	Y Mitchell, Bill	Y Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hoffman	Y Moffitt	Y Tenhouse
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	Y Wait
Y Colvin	Y Hultgren	Y Mulligan	Y Washington
Y Coulson	Y Jakobsson	Y Munson	Y Watson
Y Cross	Y Jefferson	Y Myers	Y Winters
N Cultra	Y Jones	Y Nekritz	Y Wirsing
Y Currie	Y Joyce	Y Novak	Y Yarbrough
A Daniels	Y Kelly	Y O'Brien	Y Younge
Y Davis, Monique	Y Kosel	Y Osmond	Y Mr. Speaker
Y Davis, Steve	Y Krause	Y Osterman	
Y Davis, Will	Y Kurtz	Y Pankau	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 528
COUNTY IMPACT FEES
THIRD READING
PASSED

March 28, 2003

96 YEAS

18 NAYS

1 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Parke
Y Aguilar	Y Dunkin	Y Leitch	Y Phelps
Y Bailey	Y Dunn	Y Lindner	Y Pihos
Y Bassi	Y Eddy	Y Lyons, Eileen	N Poe
Y Beaubien	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Bellock	N Flider	Y Mathias	N Rita
Y Berrios	Y Flowers	Y Mautino	Y Rose
Y Biggins	Y Forby	Y May	Y Ryg
N Black	Y Franks	Y McAuliffe	Y Sacia
Y Boland	Y Fritchey	Y McCarthy	Y Saviano
Y Bost	Y Froehlich	Y McGuire	Y Schmitz
Y Bradley	Y Giles	Y McKeon	Y Scully
Y Brady	Y Graham	Y Mendoza	Y Slone
P Brauer	Y Granberg	Y Meyer	Y Smith
Y Brosnahan	Y Hamos	Y Miller	N Sommer
Y Brunsvold	Y Hannig	Y Millner	N Soto
Y Burke	Y Hartke	N Mitchell, Bill	Y Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hoffman	N Moffitt	N Tenhouse
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	Y Wait
Y Colvin	N Hultgren	N Mulligan	Y Washington
N Coulson	Y Jakobsson	N Munson	N Watson
Y Cross	N Jefferson	Y Myers	Y Winters
N Cultra	Y Jones	N Nekritz	Y Wirsing
Y Currie	A Joyce	Y Novak	Y Yarbrough
A Daniels	Y Kelly	N O'Brien	Y Younge
Y Davis, Monique	Y Kosel	Y Osmond	Y Mr. Speaker
Y Davis, Steve	Y Krause	Y Osterman	
Y Davis, Will	Y Kurtz	Y Pankau	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 343
 PATIENT RTS-PHARMACEUTICAL CO
 THIRD READING
 PASSED

March 28, 2003

116 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Parke
Y Aguilar	Y Dunkin	Y Leitch	Y Phelps
Y Bailey	Y Dunn	Y Lindner	Y Pihos
Y Bassi	Y Eddy	Y Lyons, Eileen	Y Poe
Y Beaubien	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Bellock	Y Flider	Y Mathias	Y Rita
Y Berrios	Y Flowers	Y Mautino	Y Rose
Y Biggins	Y Forby	Y May	Y Ryg
Y Black	Y Franks	Y McAuliffe	Y Sacia
Y Boland	Y Fritchey	Y McCarthy	Y Saviano
Y Bost	Y Froehlich	Y McGuire	Y Schmitz
Y Bradley	Y Giles	Y McKeon	Y Scully
Y Brady	Y Graham	Y Mendoza	Y Slone
Y Brauer	Y Granberg	Y Meyer	Y Smith
Y Brosnahan	Y Hamos	Y Miller	Y Sommer
Y Brunsvold	Y Hannig	Y Millner	Y Soto
Y Burke	Y Hartke	Y Mitchell, Bill	Y Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hoffman	Y Moffitt	Y Tenhouse
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	Y Wait
Y Colvin	Y Hultgren	Y Mulligan	Y Washington
Y Coulson	Y Jakobsson	Y Munson	Y Watson
Y Cross	Y Jefferson	Y Myers	Y Winters
Y Cultra	Y Jones	Y Nekritz	Y Wirsing
Y Currie	Y Joyce	Y Novak	Y Yarbrough
A Daniels	Y Kelly	Y O'Brien	Y Younge
Y Davis, Monique	Y Kosel	Y Osmond	Y Mr. Speaker
Y Davis, Steve	Y Krause	Y Osterman	
Y Davis, Will	Y Kurtz	Y Pankau	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 2339
 WORK INVSTMNT BD-ANNUAL REPORT
 THIRD READING
 PASSED

March 28, 2003

116 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Parke
Y Aguilar	Y Dunkin	Y Leitch	Y Phelps
Y Bailey	Y Dunn	Y Lindner	Y Pihos
Y Bassi	Y Eddy	Y Lyons, Eileen	Y Poe
Y Beaubien	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Bellock	Y Flider	Y Mathias	Y Rita
Y Berrios	Y Flowers	Y Mautino	Y Rose
Y Biggins	Y Forby	Y May	Y Ryg
Y Black	Y Franks	Y McAuliffe	Y Sacia
Y Boland	Y Fritchey	Y McCarthy	Y Saviano
Y Bost	Y Froehlich	Y McGuire	Y Schmitz
Y Bradley	Y Giles	Y McKeon	Y Scully
Y Brady	Y Graham	Y Mendoza	Y Slone
Y Brauer	Y Granberg	Y Meyer	Y Smith
Y Brosnahan	Y Hamos	Y Miller	Y Sommer
Y Brunsvold	Y Hannig	Y Millner	Y Soto
Y Burke	Y Hartke	Y Mitchell, Bill	Y Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hoffman	Y Moffitt	Y Tenhouse
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	Y Wait
Y Colvin	Y Hultgren	Y Mulligan	Y Washington
Y Coulson	Y Jakobsson	Y Munson	Y Watson
Y Cross	Y Jefferson	Y Myers	Y Winters
Y Cultra	Y Jones	Y Nekritz	Y Wirsing
Y Currie	Y Joyce	Y Novak	Y Yarbrough
A Daniels	Y Kelly	Y O'Brien	Y Younge
Y Davis, Monique	Y Kosel	Y Osmond	Y Mr. Speaker
Y Davis, Steve	Y Krause	Y Osterman	
Y Davis, Will	Y Kurtz	Y Pankau	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 506
CRIMINAL LAW-TECH
SECOND READING
FLOOR AMENDMENT No.1
ADOPTED

March 28, 2003

83 YEAS

14 NAYS

18 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Parke
Y Aguilar	P Dunkin	Y Leitch	Y Phelps
Y Bailey	Y Dunn	Y Lindner	Y Pihos
Y Bassi	Y Eddy	Y Lyons, Eileen	Y Poe
Y Beaubien	P Feigenholtz	Y Lyons, Joseph	P Reitz
Y Bellock	Y Flider	Y Mathias	P Rita
Y Berrios	N Flowers	N Mautino	Y Rose
Y Biggins	Y Forby	Y May	Y Ryg
Y Black	Y Franks	Y McAuliffe	Y Sacia
N Boland	P Fritchey	Y McCarthy	Y Saviano
Y Bost	Y Froehlich	Y McGuire	Y Schmitz
Y Bradley	N Giles	N McKeon	Y Scully
Y Brady	Y Graham	Y Mendoza	N Slone
Y Brauer	P Granberg	Y Meyer	P Smith
Y Brosnahan	Y Hamos	P Miller	Y Sommer
A Brunsvold	Y Hannig	Y Millner	Y Soto
Y Burke	Y Hartke	Y Mitchell, Bill	Y Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hoffman	Y Moffitt	Y Tenhouse
Y Churchill	P Holbrook	N Molaro	P Turner
N Collins	P Howard	P Morrow	Y Wait
Y Colvin	Y Hultgren	N Mulligan	P Washington
Y Coulson	Y Jakobsson	Y Munson	Y Watson
Y Cross	N Jefferson	Y Myers	Y Winters
Y Cultra	N Jones	Y Nekritz	Y Wirsing
N Currie	Y Joyce	P Novak	P Yarbrough
A Daniels	Y Kelly	P O'Brien	Y Younge
N Davis, Monique	Y Kosel	Y Osmond	Y Mr. Speaker
N Davis, Steve	Y Krause	P Osterman	
P Davis, Will	Y Kurtz	Y Pankau	

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