

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-FOURTH GENERAL ASSEMBLY

68TH LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

WEDNESDAY, OCTOBER 26, 2005

11:10 O'CLOCK A.M.

**HOUSE OF REPRESENTATIVES
Daily Journal Index
68th Legislative Day**

Action	Page(s)
Adjournment	63
Agreed Resolutions	21
Balanced Budget Note Requested	10
Correctional Note Requested.....	10
Fiscal Note Requested.....	9
Fiscal Notes Supplied.....	10
Home Rule Note Requested	9
Home Rule Note Supplied.....	11
Housing Affordability Impact Note Requested	10
Housing Affordability Impact Note Supplied	11
Introduction and First Reading – HB 4148-4161	81
Judicial Note Requested	9
Judicial Note Supplied.....	10
Land Conveyance Appraisal Note Requested	10
Land Conveyance Appraisal Note Supplied.....	10
Legislative Measures Approved for Floor Consideration.....	6
Legislative Measures Assigned to Committee	6
Letter of Transmittal.....	5
Messages From The Senate.....	11
Motions Submitted	9
Pension Note Requested.....	10
Pension Note Supplied	11
Perfunctory Adjournment.....	82
Perfunctory Session.....	81
Quorum Roll Call	5
Reports From Standing Committees	7
Resolution	82
Senate Bills on First Reading	81
State Debt Impact Note Requested.....	10
State Debt Impact Note Supplied	11
State Mandates Fiscal Note Requested.....	9
State Mandates Fiscal Note Supplied	11
Temporary Committee Assignments.....	5
Veto Motions Submitted	9

Bill Number	Legislative Action	Page(s)
HB 0029	Amendatory Veto	62
HB 0230	Second Reading.....	23
HB 0230	Third Reading	23
HB 0806	Committee Report - Concur in SA.....	8
HB 0806	Motion Submitted	9
HB 0806	Senate Message – Passage w/ SA	21
HB 0911	Amendatory Veto	62
HB 1391	Motion Submitted	9
HB 1486	Total Veto	60
HB 1920	Committee Report – Floor Amendment/s	6
HB 1920	Second Reading – amendment	41
HB 1943	Committee Report	6
HB 2108	Committee Report – Floor Amendment/s	8
HB 2108	Second Reading.....	82

HB 2525	Amendatory Veto.....	62
HB 2528	Total Veto	61
HB 2595	Total Veto	61
HB 2928	Committee Report – Floor Amendment/s	8
HB 2928	Second Reading.....	82
HB 3095	Total Veto	61
HB 3272	Amendatory Veto.....	62
HB 3801	Senate Message – Conference Committee Appointed	11
HR 0609	Committee Report.....	7
HR 0644	Adoption	22
HR 0650	Committee Report.....	7
HR 0654	Adoption	60
HR 0671	Resolution	21
HR 0671	Adoption	62
HR 0672	Resolution	21
HR 0672	Adoption	62
HR 0673	Resolution	21
HR 0673	Adoption	22
HR 0674	Resolution	21
HR 0674	Adoption	62
HR 0675	Resolution	21
HR 0675	Adoption	62
HR 0676	Resolution	22
HR 0676	Adoption	62
HR 0677	Resolution	22
HR 0677	Adoption	62
HR 0678	Resolution	22
HR 0678	Adoption	62
HR 0679	Resolution	22
HR 0679	Adoption	62
HR 0680	Resolution	22
HR 0680	Adoption	62
HR 0681	Resolution	82
HR 0682	Resolution	22
HR 0682	Adoption	62
SB 0204	Consideration Postponed	60
SB 0204	Second Reading	23
SB 0273	Committee Report – Floor Amendment/s.....	6
SB 0273	Second Reading – Amendment/s.....	23
SB 0273	Third Reading	39
SB 0293	Second Reading – Amendment/s.....	39
SB 0293	Third Reading	41
SB 0319	Second Reading – Amendment/s.....	41
SB 0319	Third Reading	44
SB 0331	Second Reading – Amendment/s.....	44
SB 0331	Third Reading	61
SB 0852	First Reading.....	81
SB 0852	Senate Message – Passage of Senate Bill	12
SB 1124	Committee Report.....	6
SB 1124	Second Reading	82
SB 1208	Committee Report.....	8
SB 1208	Second Reading	82
SB 1213	Second Reading – Amendment/s.....	55
SB 1213	Third Reading	60
SB 1268	First Reading.....	81
SB 1268	Senate Message – Passage of Senate Bill	12

SB 1620	Second Reading – Amendment/s	56
SB 1620	Third Reading	59
SB 1843	Second Reading – Amendment/s	59
SB 1843	Third Reading	61
SB 1943	Committee Report – Floor Amendment/s	7

The House met pursuant to adjournment.
Speaker of the House Madigan in the chair.
Prayer by Doorkeeper of the House Lee A. Crawford, the Pastor of the Cathedral of Praise Christian Center in Springfield, IL.
Representative Hoffman 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 Bailey was excused from attendance.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Joseph Lyons will replace Representative Hannig in the Committee on Rules on October 26, 2005.

Representative Meyer will replace Representative Hassert in the Committee on Rules on October 26, 2005.

Representative Coulson will replace Representative Hassert in the Committee on Rules on October 26, 2005.

Representative Younge replaced Representative Bailey in the Committee on Judiciary II - Criminal Law on October 26, 2005.

Representative Mendoza replaced Representative Delgado in the Committee on Judiciary II - Criminal Law on October 26, 2005.

Representative Rose will replace Representative Brady in the Committee on Higher Education on October 26, 2005.

Representative Reis will replace Representative Eddy in the Committee on Higher Education on October 26, 2005.

LETTER OF TRANSMITTAL

October 26, 2005

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

Dear Clerk Mahoney:

Please be advised that I am extending the Final Action Deadline to January 11, 2006 for the following Senate Bill:

Senate Bill: 852.

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

With kindest personal regards, I remain.

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

REPORTS FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on October 26, 2005, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the Floor Amendments be reported "recommends be adopted":
Amendment No. 3 to HOUSE BILL 1920.
Amendment No. 2 to SENATE BILL 273.

That the bills be reported "approved for consideration" and be placed on the order of Second Reading--
Short Debate: HOUSE BILL 1943 and SENATE BILL 1124.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Executive: HOUSE AMENDMENT No. 2 to HOUSE BILL 2928.
Labor: HOUSE AMENDMENT No. 1 to HOUSE BILL 2108.

The committee roll call vote on the foregoing Legislative Measures is as follows:
3, Yeas; 1, Nay; 0, Answering Present.

Y Currie,Barbara(D), Chairperson	A Black,William(R), Republican Spokesperson
Y Hannig,Gary(D)	N Hassert,Brent(R)
Y Turner,Arthur(D)	

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on October 26, 2005, (A) reported the same back with the following recommendations:

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Judiciary II - Criminal Law: HOUSE AMENDMENT No. 2 to SENATE BILL 1943.

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

Y Currie,Barbara(D), Chairperson	A Black,William(R), Republican Spokesperson
Y Lyons, J(D) (replacing Hannig)	Y Meyer(R) (replacing Hassert)
Y Turner,Arthur(D)	

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on October 26, 2005, (B) reported the same back with the following recommendations:

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Appropriations-Human Services: Motion to Concur with SENATE AMENDMENT No. 3 to HOUSE BILL 806.

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

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

Y Currie, Barbara(D), Chairperson
Y Hannig, Gary(D)
Y Turner, Arthur(D)

A Black, William(R), Republican Spokesperson
Y Coulson(R) (replacing Hassert)

REPORTS FROM STANDING COMMITTEES

Representative John Bradley, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on October 26, 2005, and reported the same back with the following recommendations:

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

Amendment No. 2 to SENATE BILL 1943.

The committee roll call vote on Amendment No. 2 to Senate Bill 1943 is as follows:

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

Y Molaro, Robert(D), Chairperson

Y Younge(D) (replacing Bailey)

Y Bradley, John(D)

Y Collins, Annazette(D)

Y Cultra, Shane(R)

Y Mendoza(D) (replacing Delgado)

Y Froehlich, Paul(R)

Y Gordon, Careen(D)

Y Howard, Constance(D)

Y Jones, Lovana(D)

Y Lindner, Patricia(R), Republican Spokesperson

Y Mautino, Frank(D)

Y Reis, David(R)

Y Sacia, Jim(R)

Y Stephens, Ron(R)

Y Wait, Ronald(R)

Representative Hamos, Chairperson, from the Committee on Mass Transit to which the following were referred, action taken on October 26, 2005, and reported the same back with the following recommendations:

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 650.

The committee roll call vote on House Resolution 650 is as follows:

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

Y Hamos, Julie(D), Chairperson

Y Bassi, Suzanne(R)

Y Chavez, Michelle(D)

Y Churchill, Robert(R)

Y Dunkin, Kenneth(D)

A Dunn, Joe(R)

A Hassert, Brent(R)

Y Jenisch, Roger(R)

Y Kelly, Robin(D), Vice-Chairperson

Y Mathias, Sidney(R), Republican Spokesperson

Y May, Karen(D)

Y Miller, David(D)

Y Molaro, Robert(D)

A Osterman, Harry(D)

A Pihos, Sandra(R)

Y Ryg, Kathleen(D)

A Soto, Cynthia(D)

A Sullivan, Ed(R)

Y Tryon, Michael(R)

Y Washington, Eddie(D)

Representative McCarthy, Chairperson, from the Committee on Higher Education to which the following were referred, action taken on October 26, 2005, and reported the same back with the following recommendations:

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 609.

The committee roll call vote on House Resolution 609 is as follows:

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

Y McCarthy, Kevin(D), Chairperson
 Y Black, William(R)
 Y Rose(R) (replacing Brady)
 Y Chavez, Michelle(D)
 A Howard, Constance(D)
 A Miller, David(D)
 Y Pritchard, Robert(R)

Y Beiser, Daniel(D)
 Y Bost, Mike(R), Republican Spokesperson
 Y Brosnahan, James(D)
 Y Reis(R) (replacing Eddy)
 Y Jakobsson, Naomi(D), Vice-Chairperson
 Y Poe, Raymond(R)

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on October 26, 2005, and reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 1208.

That the Floor Amendment be reported "recommends be adopted":
 Amendment No. 2 to HOUSE BILL 2928.

The committee roll call vote on Amendment No. 2 to House Bill 2928 and Senate Bill 1208 is as follows:

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

Y Burke, Daniel(D), Chairperson
 Y Berrios, Maria(D)
 Y Bradley, Richard(D)
 Y Jones, Lovana(D)
 Y Lyons, Eileen(R)
 Y McKeon, Larry(D)
 Y Saviano, Angelo(R)

Y Acevedo, Edward(D)
 Y Biggins, Bob(R)
 A Hassert, Brent(R)
 Y Kosel, Renee(R), Republican Spokesperson
 Y Lyons, Joseph(D), Vice-Chairperson
 Y Molaro, Robert(D)

Representative McKeon, Chairperson, from the Committee on Labor to which the following were referred, action taken on October 26, 2005, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
 Amendment No. 1 to HOUSE BILL 2108.

The committee roll call vote on Amendment No. 1 to House Bill 2108 is as follows:
 18, Yeas; 0, Nays; 0, Answering Present.

Y McKeon, Larry(D), Chairperson
 Y Boland, Mike(D)
 A Cultra, Shane(R)
 Y Davis, William(D)
 Y Eddy, Roger(R)
 Y Hoffman, Jay(D)
 Y Hultgren, Randall(R)
 Y Parke, Terry(R)
 Y Soto, Cynthia(D), Vice-Chairperson
 Y Washington, Eddie(D)

Y Beaubien, Mark(R)
 Y Colvin, Marlow(D)
 Y D'Amico, John(D)
 Y Dunn, Joe(R)
 Y Graham, Deborah(D)
 Y Howard, Constance(D)
 Y Jefferson, Charles(D)
 A Schmitz, Timothy(R)
 Y Tenhouse, Art(R)
 Y Winters, Dave(R), Republican Spokesperson

Representative Feigenholtz, Chairperson, from the Committee on Appropriations-Human Services to which the following were referred, action taken on October 26, 2005, and reported the same back with the following recommendations:

That the Motion be reported "recommends be adopted" and placed on the House Calendar:
 Motion to concur with Senate Amendment No. 3 to HOUSE BILL 806.

The committee roll call vote on Motion to Concur with Senate Amendment No. 3 to House Bill 806 is as follows:

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

Y Feigenholtz,Sara(D), Chairperson
 Y Graham,Deborah(D)
 N Leitch,David(R)
 Y Munson,Ruth(R)
 Y Schock,Aaron(R)
 Y Washington,Eddie(D)

Y Coulson,Elizabeth(R)
 Y Kelly,Robin(D)
 Y Mulligan,Rosemary(R), Rep. Spokesperson
 Y Osterman,Harry(D), Vice-Chairperson
 Y Verschoore,Patrick(D)

VETO MOTION SUBMITTED

Representative Burke submitted the following written motion, which was placed on the order of Motions:

MOTION #1

I move that HOUSE BILL 1391 do pass, the Governor's Specific Recommendations for Change notwithstanding.

MOTION SUBMITTED

Representative Madigan submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 3 to HOUSE BILL 806.

REQUEST FOR FISCAL NOTES

Representative Black requested that Fiscal Notes be supplied for SENATE BILLS 1445, and 1681, as amended.

Representative Hassert requested that a Fiscal Note be supplied for HOUSE BILL 1920, as amended.

REQUEST FOR JUDICIAL NOTES

Representative Black requested that Judicial Notes be supplied for SENATE BILLS 1445, and 1681 as amended.

Representative Turner requested that a Judicial Note be supplied for HOUSE BILL 1920, as amended.

REQUEST FOR STATE MANDATES FISCAL NOTES

Representative Black requested that State Mandates Fiscal Notes be supplied for SENATE BILLS 1445, and 1681, as amended.

Representative Hassert requested that a State Mandates Fiscal Note be supplied for HOUSE BILL 1920, as amended.

REQUEST FOR HOME RULE NOTES

Representative Black requested that a Home Rule Note be supplied for SENATE BILL 1445, as amended.

Representative Turner requested that a Home Rule Note be supplied for HOUSE BILL 1920, as amended.

REQUEST FOR BALANCED BUDGET NOTE

Representative Brent Hassert requested that a Balanced Budget Note be supplied for HOUSE BILL 1920, as amended.

REQUEST FOR CORRECTIONAL NOTE

Representative Turner requested that a Correctional Note be supplied for HOUSE BILL 1920, as amended.

REQUEST FOR HOUSING AFFORDABILITY IMPACT NOTE

Representative Turner requested that a Housing Affordability Impact Note be supplied for HOUSE BILL 1920, as amended.

REQUEST FOR LAND CONVEYANCE APPRAISAL NOTE

Representative Turner requested that a Land Conveyance Appraisal Note be supplied for HOUSE BILL 1920, as amended.

REQUEST FOR PENSION NOTE

Representative Turner requested that a Pension Note be supplied for HOUSE BILL 1920, as amended.

REQUEST FOR STATE DEBT IMPACT NOTE

Representative Turner requested that a State Debt Impact Note be supplied for HOUSE BILL 1920, as amended.

LAND CONVEYANCE APPRAISAL NOTE SUPPLIED

A Land Conveyance Appraisal Note has been supplied for SENATE BILL 1213.

FISCAL NOTES SUPPLIED

Fiscal Notes have been supplied for HOUSE BILL 1920, as amended, and SENATE BILL 1681, as amended.

JUDICIAL NOTES SUPPLIED

Judicial Notes have been supplied for HOUSE BILL 1920, as amended, and SENATE BILL 1445, as amended.

PENSION NOTE SUPPLIED

A Pension Note has been supplied for HOUSE BILL 1920, as amended.

STATE DEBT IMPACT NOTE SUPPLIED

A State Debt Impact Note has been supplied for HOUSE BILL 1920, as amended.

HOME RULE NOTE SUPPLIED

A Home Rule Note has been supplied for HOUSE BILL 1920, as amended.

STATE MANDATES FISCAL NOTE SUPPLIED

A State Mandates Fiscal Note has been supplied for HOUSE BILL 1920, as amended.

HOUSING AFFORDABILITY IMPACT NOTE SUPPLIED

A Housing Affordability Impact Note has been supplied for HOUSE BILL 1920, 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 refused to recede from their amendments 1 and 2 to a bill of the following title, to-wit:

HOUSE BILL NO. 3801

A bill for AN ACT concerning education.

I am further directed to inform the House of Representatives that the Senate requests a First Committee of Conference to consist of five members from each house to consider the differences of the two Houses in regard to the amendments to the bill, and that the Committee on Committees of the Senate has appointed as such Committee on the part of the Senate the following: Senators Collins, Cullerton, Raoul; Petka and Dillard.

Action taken by the Senate, May 28, 2005.

Linda Hawker, Secretary of the Senate

The Speaker appointed the following as a Committee of Conference on HOUSE BILL 3801 on the part of the House: Representatives Kelly, Graham, Currie, Hassert and Lindner.

Ordered that the Clerk inform 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 passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 852

A bill for AN ACT concerning education.

Passed by the Senate, October 26, 2005.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILL 852 was ordered reproduced and placed on the order of Senate Bills - First Reading.

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

SENATE BILL NO. 1268

A bill for AN ACT concerning employment.
Passed by the Senate, October 26, 2005.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILL 1268 was ordered reproduced and placed on the order of Senate Bills - First Reading.

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. 31

Together with the attached amendment thereto, in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE JOINT RESOLUTION NO. 31
Concurred in the Senate, as amended, October 26, 2005.

Linda Hawker, Secretary of the Senate

HOUSE JOINT RESOLUTION NO. 31
SENATE AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Joint Resolution 31 on page 3, line 13, by changing "2005" to "2006"; and
on page 4, line 4, by changing "2006" to "2007".

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. 34

Concurred in the Senate, October 26, 2005.

Linda Hawker, Secretary of 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 concurred with the House in the adoption of the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 42

Concurred in the Senate, October 26, 2005.

Linda Hawker, Secretary of 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 concurred with the House in the adoption of the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 54

Concurred in the Senate, October 26, 2005.

Linda Hawker, Secretary of 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 concurred with the House in the adoption of the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 43

Concurred in the Senate, October 26, 2005.

Linda Hawker, Secretary of 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. 49

WHEREAS, As the seat of State government, Springfield is uniquely situated to be the site of a law school focused on government service and law enforcement; and

WHEREAS, The capital city offers a setting that is rich in both academic resources and practical training for an institution that would meet a current need and enhance future opportunities in the realm of government scholarship and service; and

WHEREAS, Illinois boasts a proud tradition of quality legal education, but the growing complexity of government's role in society presents challenges that currently are not adequately addressed by the State's institutions of higher learning; and

WHEREAS, The issues of public service increasingly call for lawyers skilled in forming, administering, enforcing, and interpreting the law on behalf of a citizenry that demands and deserves excellence from its civic servants and institutions; and

WHEREAS, In Springfield, a law school would have ready access to top-notch libraries and a pool of professional talent from the Illinois Supreme Court, the Illinois Appellate Court, the Illinois Circuit Court, the Federal Courts, the State Library, the General Assembly, State agencies, the University of Illinois at Springfield, and the Sangamon County bar; and

WHEREAS, A law school curriculum that rigorously tackles the broad range of legal questions facing communities throughout the State would ensure a cadre of alumni superbly equipped to confront Illinois'

vital topics in the 21st century and beyond; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that a task force is created to study the feasibility of establishing a law school in Springfield with a curriculum oriented towards government service and law enforcement and serving students living and working in central Illinois; and be it further

RESOLVED, That the task force shall consist of 7 members appointed as follows: one member appointed by the Speaker of the House; one member appointed by the House Minority Leader; one member appointed by the President of the Senate; one member appointed by the Senate Minority Leader; one member appointed by the Sangamon County Bar Association; one member appointed by the Illinois Supreme Court; and one member appointed by the Mayor of the City of Springfield; and that the task force shall select a chairperson from among its members, and that the task force shall meet at the call of the chairperson; and be it further

RESOLVED, That the task force shall consult and coordinate with the Illinois Board of Higher Education in conducting its feasibility study; and be it further

RESOLVED, That the task force shall submit a report of its study, its conclusions, and its recommendations to the General Assembly as expeditiously as possible.

Adopted by the Senate, October 26, 2005.

Linda Hawker, Secretary of 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 concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 806

A bill for AN ACT concerning State government.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 3 to HOUSE BILL NO. 806

Passed the Senate, as amended, October 26, 2005.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 3. Amend House Bill 806 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Covering ALL KIDS Health Insurance Act.

Section 5. Legislative intent. The General Assembly finds that, for the economic and social benefit of all residents of the State, it is important to enable all children of this State to access affordable health insurance that offers comprehensive coverage and emphasizes preventive healthcare. Many children in working families, including many families whose family income ranges between \$40,000 and \$80,000, are uninsured. Numerous studies, including the Institute of Medicine's report, "Health Insurance Matters", demonstrate that lack of insurance negatively affects health status. The General Assembly further finds that access to healthcare is a key component for children's healthy development and successful education. The effects of lack of insurance also negatively impact those who are insured because the cost of paying for care to the uninsured is often shifted to those who have insurance in the form of higher health insurance premiums. A Families USA 2005 report indicates that family premiums in Illinois are increased by \$1,059 due to cost-shifting from the uninsured. It is, therefore, the intent of this legislation to provide access to affordable health insurance to all uninsured children in Illinois.

Section 10. Definitions. In this Act:

"Application agent" means an organization or individual, such as a licensed health care provider, school, youth service agency, employer, labor union, local chamber of commerce, community-based organization, or other organization, approved by the Department to assist in enrolling children in the Program.

"Child" means a person under the age of 19.

"Department" means the Department of Healthcare and Family Services.

"Medical assistance" means health care benefits provided under Article V of the Illinois Public Aid Code.

"Program" means the Covering ALL KIDS Health Insurance Program.

"Resident" means an individual (i) who is in the State for other than a temporary or transitory purpose during the taxable year or (ii) who is domiciled in this State but is absent from the State for a temporary or transitory purpose during the taxable year.

Section 15. Operation of Program. The Covering ALL KIDS Health Insurance Program is created. The Program shall be administered by the Department of Healthcare and Family Services. The Department shall have the same powers and authority to administer the Program as are provided to the Department in connection with the Department's administration of the Illinois Public Aid Code and the Children's Health Insurance Program Act. The Department shall coordinate the Program with the existing children's health programs operated by the Department and other State agencies.

Section 20. Eligibility.

(a) To be eligible for the Program, a person must be a child:

(1) who is a resident of the State of Illinois; and

(2) who is ineligible for medical assistance under the Illinois Public Aid Code or benefits under the Children's Health Insurance Program Act; and

(3) either (i) who has been without health insurance coverage for a period set forth by the Department in rules, but not less than 6 months during the first month of operation of the Program, 7 months during the second month of operation, 8 months during the third month of operation, 9 months during the fourth month of operation, 10 months during the fifth month of operation, 11 months during the sixth month of operation, and 12 months thereafter, (ii) whose parent has lost employment that made available affordable dependent health insurance coverage, until such time as affordable employer-sponsored dependent health insurance coverage is again available for the child as set forth by the Department in rules, (iii) who is a newborn whose responsible relative does not have available affordable private or employer-sponsored health insurance, or (iv) who, within one year of applying for coverage under this Act, lost medical benefits under the Illinois Public Aid Code or the Children's Health Insurance Program Act.

An entity that provides health insurance coverage (as defined in Section 2 of the Comprehensive Health Insurance Plan Act) to Illinois residents shall provide health insurance data match to the Department of Healthcare and Family Services for the purpose of determining eligibility for the Program under this Act.

The Department of Healthcare and Family Services, in collaboration with the Department of Financial and Professional Regulation, Division of Insurance, shall adopt rules governing the exchange of information under this Section. The rules shall be consistent with all laws relating to the confidentiality or privacy of personal information or medical records, including provisions under the Federal Health Insurance Portability and Accountability Act (HIPAA).

(b) The Department shall monitor the availability and retention of employer-sponsored dependent health insurance coverage and shall modify the period described in subdivision (a)(3) if necessary to promote retention of private or employer-sponsored health insurance and timely access to healthcare services, but at no time shall the period described in subdivision (a)(3) be less than 6 months.

(c) The Department, at its discretion, may take into account the affordability of dependent health insurance when determining whether employer-sponsored dependent health insurance coverage is available upon reemployment of a child's parent as provided in subdivision (a)(3).

(d) A child who is determined to be eligible for the Program shall remain eligible for 12 months, provided that the child maintains his or her residence in this State, has not yet attained 19 years of age, and is not excluded under subsection (e).

(e) A child is not eligible for coverage under the Program if:

(1) the premium required under Section 40 has not been timely paid; if the required premiums are not paid, the liability of the Program shall be limited to benefits incurred under the Program for the time period for which premiums have been paid; if the required monthly premium is not paid, the child is ineligible for re-enrollment for a minimum period of 3 months; re-enrollment shall be completed before the next covered medical visit, and the first month's required premium shall be paid in advance of the next covered medical visit; or

(2) the child is an inmate of a public institution or an institution for mental diseases.

(f) The Department shall adopt eligibility rules, including, but not limited to: rules regarding annual

renewals of eligibility for the Program; rules providing for re-enrollment, grace periods, notice requirements, and hearing procedures under subdivision (e)(1) of this Section; and rules regarding what constitutes availability and affordability of private or employer-sponsored health insurance, with consideration of such factors as the percentage of income needed to purchase children or family health insurance, the availability of employer subsidies, and other relevant factors.

Section 25. Enrollment in Program. The Department shall develop procedures to allow application agents to assist in enrolling children in the Program or other children's health programs operated by the Department. At the Department's discretion, technical assistance payments may be made available for approved applications facilitated by an application agent.

Section 30. Program outreach and marketing. The Department may provide grants to application agents and other community-based organizations to educate the public about the availability of the Program. The Department shall adopt rules regarding performance standards and outcomes measures expected of organizations that are awarded grants under this Section, including penalties for nonperformance of contract standards.

Section 35. Health care benefits for children.

(a) The Department shall purchase or provide health care benefits for eligible children that are identical to the benefits provided for children under the Illinois Children's Health Insurance Program Act, except for non-emergency transportation.

(b) As an alternative to the benefits set forth in subsection (a), and when cost-effective, the Department may offer families subsidies toward the cost of privately sponsored health insurance, including employer-sponsored health insurance.

(c) Notwithstanding clause (i) of subdivision (a)(3) of Section 20, the Department may consider offering, as an alternative to the benefits set forth in subsection (a), partial coverage to children who are enrolled in a high-deductible private health insurance plan.

(d) Notwithstanding clause (i) of subdivision (a)(3) of Section 20, the Department may consider offering, as an alternative to the benefits set forth in subsection (a), a limited package of benefits to children in families who have private or employer-sponsored health insurance that does not cover certain benefits such as dental or vision benefits.

(e) The content and availability of benefits described in subsections (b), (c), and (d), and the terms of eligibility for those benefits, shall be at the Department's discretion and the Department's determination of efficacy and cost-effectiveness as a means of promoting retention of private or employer-sponsored health insurance.

Section 40. Cost-sharing.

(a) Children enrolled in the Program under subsection (a) of Section 35 are subject to the following cost-sharing requirements:

(1) The Department, by rule, shall set forth requirements concerning co-payments and coinsurance for health care services and monthly premiums. This cost-sharing shall be on a sliding scale based on family income. The Department may periodically modify such cost-sharing.

(2) Notwithstanding paragraph (1), there shall be no co-payment required for well-baby or well-child health care, including, but not limited to, age-appropriate immunizations as required under State or federal law.

(b) Children enrolled in a privately sponsored health insurance plan under subsection (b) of Section 35 are subject to the cost-sharing provisions stated in the privately sponsored health insurance plan.

(c) Notwithstanding any other provision of law, rates paid by the Department shall not be used in any way to determine the usual and customary or reasonable charge, which is the charge for health care that is consistent with the average rate or charge for similar services furnished by similar providers in a certain geographic area.

Section 45. Study.

(a) The Department shall conduct a study that includes, but is not limited to, the following:

(1) Establishing estimates, broken down by regions of the State, of the number of children with and without health insurance coverage; the number of children who are eligible for Medicaid or the Children's Health Insurance Program, and, of that number, the number who are enrolled in Medicaid or the Children's Health Insurance Program; and the number of children with access to dependent coverage through an employer, and, of that number, the number who are enrolled in dependent coverage through an employer.

(2) Surveying those families whose children have access to employer-sponsored dependent

coverage but who decline such coverage as to the reasons for declining coverage.

(3) Ascertaining, for the population of children accessing employer-sponsored dependent coverage or who have access to such coverage, the comprehensiveness of dependent coverage available, the amount of cost-sharing currently paid by the employees, and the cost-sharing associated with such coverage.

(4) Measuring the health outcomes or other benefits for children utilizing the Covering ALL KIDS Health Insurance Program and analyzing the effects on utilization of healthcare services for children after enrollment in the Program compared to the preceding period of uninsured status.

(b) The studies described in subsection (a) shall be conducted in a manner that compares a time period preceding or at the initiation of the program with a later period.

(c) The Department shall submit the preliminary results of the study to the Governor and the General Assembly no later than July 1, 2008 and shall submit the final results to the Governor and the General Assembly no later than July 1, 2010.

Section 50. Consultation with stakeholders. The Department shall present details regarding implementation of the Program to the Medicaid Advisory Committee, and the Committee shall serve as the forum for healthcare providers, advocates, consumers, and other interested parties to advise the Department with respect to the Program.

Section 55. Charge upon claims and causes of action; right of subrogation; recoveries. Sections 11-22, 11-22a, 11-22b, and 11-22c of the Illinois Public Aid Code apply to health care benefits provided to children under this Act, as provided in those Sections.

Section 60. Federal financial participation. The Department shall request any necessary state plan amendments or waivers of federal requirements in order to allow receipt of federal funds for implementing any or all of the provisions of the Program. The failure of the responsible federal agency to approve a waiver or other State plan amendment shall not prevent the implementation of any provision of this Act.

Section 65. Emergency rulemaking. The Department may adopt rules necessary to establish and implement this Act through the use of emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For the purposes of that Act, the General Assembly finds that the adoption of rules to implement this Act is deemed an emergency and necessary for the public interest, safety, and welfare. This Section is repealed on July 1, 2008.

Section 90. The Illinois Public Aid Code is amended by changing Sections 11-22, 11-22a, 11-22b, and 11-22c as follows:

(305 ILCS 5/11-22) (from Ch. 23, par. 11-22)

Sec. 11-22. Charge upon claims and causes of action for injuries. The Illinois Department shall have a charge upon all claims, demands and causes of action for injuries to an applicant for or recipient of (i) financial aid under Articles III, IV, and V or (ii) health care benefits provided under the Covering ALL KIDS Health Insurance Act for the total amount of medical assistance provided the recipient from the time of injury to the date of recovery upon such claim, demand or cause of action. In addition, if the applicant or recipient was employable, as defined by the Department, at the time of the injury, the Department shall also have a charge upon any such claims, demands and causes of action for the total amount of aid provided to the recipient and his dependents, including all cash assistance and medical assistance only to the extent includable in the claimant's action, from the time of injury to the date of recovery upon such claim, demand or cause of action. Any definition of "employable" adopted by the Department shall apply only to persons above the age of compulsory school attendance.

If the injured person was employable at the time of the injury and is provided aid under Articles III, IV, or V and any dependent or member of his family is provided aid under Article VI, or vice versa, both the Illinois Department and the local governmental unit shall have a charge upon such claims, demands and causes of action for the aid provided to the injured person and any dependent member of his family, including all cash assistance, medical assistance and food stamps, from the time of the injury to the date of recovery.

"Recipient", as used herein, means (i) in the case of financial aid provided under this Code, the grantee of record and any persons whose needs are included in the financial aid provided to the grantee of record or otherwise met by grants under the appropriate Article of this Code for which such person is eligible and (ii) in the case of health care benefits provided under the Covering ALL KIDS Health Insurance Act, the child to whom those benefits are provided.

In each case, the notice shall be served by certified mail or registered mail, upon the party or parties against whom the applicant or recipient has a claim, demand or cause of action. The notice shall claim the charge and describe the interest the Illinois Department, the local governmental unit, or the county, has in

the claim, demand, or cause of action. The charge shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service of the notice.

On petition filed by the Illinois Department, or by the local governmental unit or county if either is claiming a charge, or by the recipient, or by the defendant, the court, on written notice to all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this Section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the Illinois Department, the local governmental unit or county has charge. The court may determine what portion of the recovery shall be paid to the injured person and what portion shall be paid to the Illinois Department, the local governmental unit or county having a charge against the recovery. In making this determination, the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

(1) the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the gross amount of the recovery; the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the amount obtained by subtracting from the gross amount of the recovery the total attorney's fees and other costs incurred by the recipient incident to the recovery; and whether the Department, unit of local government or county seeking to enforce the charge against the recovery should as a matter of fairness and equity bear its proportionate share of the fees and costs incurred to generate the recovery from which the charge is sought to be satisfied;

(2) the amount, if any, of the attorney's fees and other costs incurred by the recipient incident to the recovery and paid by the recipient up to the time of recovery, and the amount of such fees and costs remaining unpaid at the time of recovery;

(3) the total hospital, doctor and other medical expenses incurred for care and treatment of the injury to the date of recovery therefor, the portion of such expenses theretofore paid by the recipient, by insurance provided by the recipient, and by the Department, unit of local government and county seeking to enforce a charge against the recovery, and the amount of such previously incurred expenses which remain unpaid at the time of recovery and by whom such incurred, unpaid expenses are to be paid;

(4) whether the recovery represents less than substantially full recompense for the injury and the hospital, doctor and other medical expenses incurred to the date of recovery for the care and treatment of the injury, so that reduction of the charge sought to be enforced against the recovery would not likely result in a double recovery or unjust enrichment to the recipient;

(5) the age of the recipient and of persons dependent for support upon the recipient, the nature and permanency of the recipient's injuries as they affect not only the future employability and education of the recipient but also the reasonably necessary and foreseeable future material, maintenance, medical, rehabilitative and training needs of the recipient, the cost of such reasonably necessary and foreseeable future needs, and the resources available to meet such needs and pay such costs;

(6) the realistic ability of the recipient to repay in whole or in part the charge sought to be enforced against the recovery when judged in light of the factors enumerated above.

The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction.

The court may reduce and apportion the Illinois Department's lien proportionate to the recovery of the claimant. The court may consider the nature and extent of the injury, economic and noneconomic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The Illinois Department shall pay its pro rata share of the attorney fees based on the Illinois Department's lien as it compares to the total settlement agreed upon. This Section shall not affect the priority of an attorney's lien under the Attorneys Lien Act. The charges of the Illinois Department described in this Section, however, shall take priority over all other liens and charges existing under the laws of the State of Illinois with the exception of the attorney's lien under said statute.

Whenever the Department or any unit of local government has a statutory charge under this Section against a recovery for damages incurred by a recipient because of its advancement of any assistance, such charge shall not be satisfied out of any recovery until the attorney's claim for fees is satisfied, irrespective of whether or not an action based on recipient's claim has been filed in court.

This Section shall be inapplicable to any claim, demand or cause of action arising under (a) the Workers'

Compensation Act or the predecessor Workers' Compensation Act of June 28, 1913, (b) the Workers' Occupational Diseases Act or the predecessor Workers' Occupational Diseases Act of March 16, 1936; and (c) the Wrongful Death Act.

(Source: P.A. 91-357, eff. 7-29-99; 92-111, eff. 1-1-02.)

(305 ILCS 5/11-22a) (from Ch. 23, par. 11-22a)

Sec. 11-22a. Right of Subrogation. To the extent of the amount of (i) medical assistance provided by the Department to or on behalf of a recipient under Article V or VI or (ii) health care benefits provided for a child under the Covering ALL KIDS Health Insurance Act, the Department shall be subrogated to any right of recovery such recipient may have under the terms of any private or public health care coverage or casualty coverage, including coverage under the "Workers' Compensation Act", approved July 9, 1951, as amended, or the "Workers' Occupational Diseases Act", approved July 9, 1951, as amended, without the necessity of assignment of claim or other authorization to secure the right of recovery to the Department. To enforce its subrogation right, the Department may (i) intervene or join in an action or proceeding brought by the recipient, his or her guardian, personal representative, estate, dependents, or survivors against any person or public or private entity that may be liable; (ii) institute and prosecute legal proceedings against any person or public or private entity that may be liable for the cost of such services; or (iii) institute and prosecute legal proceedings, to the extent necessary to reimburse the Illinois Department for its costs, against any noncustodial parent who (A) is required by court or administrative order to provide insurance or other coverage of the cost of health care services for a child eligible for medical assistance under this Code and (B) has received payment from a third party for the costs of those services but has not used the payments to reimburse either the other parent or the guardian of the child or the provider of the services.

(Source: P.A. 92-111, eff. 1-1-02.)

(305 ILCS 5/11-22b) (from Ch. 23, par. 11-22b)

Sec. 11-22b. Recoveries.

(a) As used in this Section:

(1) "Carrier" means any insurer, including any private company, corporation, mutual association, trust fund, reciprocal or interinsurance exchange authorized under the laws of this State to insure persons against liability or injuries caused to another and any insurer providing benefits under a policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance or use of a motor vehicle which provides uninsured motorist endorsement or coverage.

(2) "Beneficiary" means any person or their dependents who has received benefits or will be provided benefits under this Code or under the Covering ALL KIDS Health Insurance Act because of an injury for which another person may be liable. It includes such beneficiary's guardian, conservator or other personal representative, his estate or survivors.

(b) (1) When benefits are provided or will be provided to a beneficiary under this Code or under the Covering ALL KIDS Health Insurance Act because of an injury for which another person is liable, or for which a carrier is liable in accordance with the provisions of any policy of insurance issued pursuant to the Illinois Insurance Code, the Illinois Department shall have a right to recover from such person or carrier the reasonable value of benefits so provided. The Attorney General may, to enforce such right, institute and prosecute legal proceedings against the third person or carrier who may be liable for the injury in an appropriate court, either in the name of the Illinois Department or in the name of the injured person, his guardian, personal representative, estate, or survivors.

(2) The Department may:

(A) compromise or settle and release any such claim for benefits provided under this Code, or

(B) waive any such claims for benefits provided under this Code, in whole or in part, for the convenience of the Department or if the Department determines that collection would result in undue hardship upon the person who suffered the injury or, in a wrongful death action, upon the heirs of the deceased.

(3) No action taken on behalf of the Department pursuant to this Section or any judgment rendered in such action shall be a bar to any action upon the claim or cause of action of the beneficiary, his guardian, conservator, personal representative, estate, dependents or survivors against the third person who may be liable for the injury, or shall operate to deny to the beneficiary the recovery for that portion of any damages not covered hereunder.

(c) (1) When an action is brought by the Department pursuant to subsection (b), it shall be commenced within the period prescribed by Article XIII of the Code of Civil Procedure.

However, the Department may not commence the action prior to 5 months before the end of the applicable period prescribed by Article XIII of the Code of Civil Procedure. Thirty days prior to commencing an action, the Department shall notify the beneficiary of the Department's intent to commence such an action.

(2) The death of the beneficiary does not abate any right of action established by subsection (b).

(3) When an action or claim is brought by persons entitled to bring such actions or assert such claims against a third person who may be liable for causing the death of a beneficiary, any settlement, judgment or award obtained is subject to the Department's claim for reimbursement of the benefits provided to the beneficiary under this Code or under the Covering ALL KIDS Health Insurance Act.

(4) When the action or claim is brought by the beneficiary alone and the beneficiary incurs a personal liability to pay attorney's fees and costs of litigation, the Department's claim for reimbursement of the benefits provided to the beneficiary shall be the full amount of benefits paid on behalf of the beneficiary under this Code or under the Covering ALL KIDS Health Insurance Act less a pro rata share which represents the Department's reasonable share of attorney's fees paid by the beneficiary and that portion of the cost of litigation expenses determined by multiplying by the ratio of the full amount of the expenditures of the full amount of the judgment, award or settlement.

(d) (1) If either the beneficiary or the Department brings an action or claim against such third party or carrier, the beneficiary or the Department shall within 30 days of filing the action give to the other written notice by personal service or registered mail of the action or claim and of the name of the court in which the action or claim is brought. Proof of such notice shall be filed in such action or claim. If an action or claim is brought by either the Department or the beneficiary, the other may, at any time before trial on the facts, become a party to such action or claim or shall consolidate his action or claim with the other if brought independently.

(2) If an action or claim is brought by the Department pursuant to subsection (b)(1), written notice to the beneficiary, guardian, personal representative, estate or survivor given pursuant to this Section shall advise him of his right to intervene in the proceeding, his right to obtain a private attorney of his choice and the Department's right to recover the reasonable value of the benefits provided.

(e) In the event of judgment or award in a suit or claim against such third person or carrier:

(1) If the action or claim is prosecuted by the beneficiary alone, the court shall first order paid from any judgment or award the reasonable litigation expenses incurred in preparation and prosecution of such action or claim, together with reasonable attorney's fees, when an attorney has been retained. After payment of such expenses and attorney's fees the court shall, on the application of the Department, allow as a first lien against the amount of such judgment or award the amount of the Department's expenditures for the benefit of the beneficiary under this Code or under the Covering ALL KIDS Health Insurance Act, as provided in subsection (c)(4).

(2) If the action or claim is prosecuted both by the beneficiary and the Department, the court shall first order paid from any judgment or award the reasonable litigation expenses incurred in preparation and prosecution of such action or claim, together with reasonable attorney's fees for plaintiffs attorneys based solely on the services rendered for the benefit of the beneficiary. After payment of such expenses and attorney's fees, the court shall apply out of the balance of such judgment or award an amount sufficient to reimburse the Department the full amount of benefits paid on behalf of the beneficiary under this Code or under the Covering ALL KIDS Health Insurance Act.

(f) The court shall, upon further application at any time before the judgment or award is satisfied, allow as a further lien the amount of any expenditures of the Department in payment of additional benefits arising out of the same cause of action or claim provided on behalf of the beneficiary under this Code or under the Covering ALL KIDS Health Insurance Act, when such benefits were provided or became payable subsequent to the original order.

(g) No judgment, award, or settlement in any action or claim by a beneficiary to recover damages for injuries, when the Department has an interest, shall be satisfied without first giving the Department notice and a reasonable opportunity to perfect and satisfy its lien.

(h) When the Department has perfected a lien upon a judgment or award in favor of a beneficiary against any third party for an injury for which the beneficiary has received benefits under this Code or under the Covering ALL KIDS Health Insurance Act, the Department shall be entitled to a writ of execution as lien claimant to enforce payment of said lien against such third party with interest and other accruing costs as in the case of other executions. In the event the amount of such judgment or award so recovered has been paid to the beneficiary, the Department shall be entitled to a writ of execution against such beneficiary to the extent of the Department's lien, with interest and other accruing costs as in the case of other executions.

(i) Except as otherwise provided in this Section, notwithstanding any other provision of law, the entire amount of any settlement of the injured beneficiary's action or claim, with or without suit, is subject to the Department's claim for reimbursement of the benefits provided and any lien filed pursuant thereto to the same extent and subject to the same limitations as in Section 11-22 of this Code.

(Source: P.A. 92-651, eff. 7-11-02.)

(305 ILCS 5/11-22c) (from Ch. 23, par. 11-22c)

Sec. 11-22c. (a) As used in this Section, "recipient" means any person receiving financial assistance under Article IV or Article VI of this Code or receiving health care benefits under the Covering ALL KIDS Health Insurance Act.

(b) If a recipient maintains any suit, charge or other court or administrative action against an employer seeking back pay for a period during which the recipient received financial assistance under Article IV or Article VI of this Code or health care benefits under the Covering ALL KIDS Health Insurance Act, the recipient shall report such fact to the Department. To the extent of the amount of assistance provided to or on behalf of the recipient under Article IV or Article VI or health care benefits provided under the Covering ALL KIDS Health Insurance Act, the Department may by intervention or otherwise without the necessity of assignment of claim, attach a lien on the recovery of back wages equal to the amount of assistance provided by the Department to the recipient under Article IV or Article VI or under the Covering ALL KIDS Health Insurance Act.

(Source: P.A. 86-497.)

Section 97. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 98. Repealer. This Act is repealed on July 1, 2011.

Section 99. Effective date. This Act takes effect July 1, 2006."

The foregoing message from the Senate reporting Senate Amendment No. 3 to HOUSE BILL 806 was placed on the Calendar on the order of Concurrence.

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 671

Offered by Representative Dugan:

Congratulates Deputy Chief Steve Coy of the Bradley Police Department on his graduation from the F.B.I. National Academy Program in Quantico, Virginia.

HOUSE RESOLUTION 672

Offered by Representative Dugan:

Congratulates Lieutenant Thomas M. Fitts of Grant Park Police Department on his graduation from the F.B.I. National Academy Program in Quantico, Virginia.

HOUSE RESOLUTION 673

Offered by Representative Rose:

Honors the Illinois survivors of the sinking of the USS Indianapolis.

HOUSE RESOLUTION 674

Offered by Representative Rose:

Congratulates the Lawn Rangers from Amazing Arcola on their 25th year of parade participation.

HOUSE RESOLUTION 675

Offered by Representative Rose:
Congratulates Connie Keelin on the occasion of her retirement as Administrator of the DeWitt Piatt Bi-County Health Department.

HOUSE RESOLUTION 676

Offered by Representative Rose:
Congratulates the Knights of Columbus Mattoon Council No. 1057 on the occasion of the organization's 100th anniversary.

HOUSE RESOLUTION 677

Offered by Representative Rose:
Congratulates Betty Coffrin on her retirement as Coles County Clerk and Recorder of Deeds.

HOUSE RESOLUTION 678

Offered by Representative Monique Davis:
Mourns the death of Dr. Mary Elizabeth Henderson Wright.

HOUSE RESOLUTION 679

Offered by Representative Monique Davis:
Mourns the death of Jacqueline Deline Skinner.

HOUSE RESOLUTION 680

Offered by Representative Granberg:
Congratulates the city of Mt. Vernon, David Keen, Howard Phillips, and Alfred Bean for winning a 2005 Governor's Home Town Award.

HOUSE RESOLUTION 682

Offered by Representative Feigenholtz:
Congratulates Charlotte Newfeld on her achievements for Lake View and Chicago in the last 30 years.

AGREED RESOLUTION

HOUSE RESOLUTION 644 was taken up for consideration.
Representative Currie moved the adoption of the agreed resolution.
The motion prevailed and the agreed resolution was adopted.

RESOLUTION

Having been reported out of the Committee on Rules on October 25, 2005, HOUSE RESOLUTION 673 was taken up for consideration.
Representative Rose moved the adoption of the resolution.
Representative Rose moved that all members be added as Co-Sponsors.
The motion prevailed and the Resolution was adopted.

HOUSE BILL ON SECOND READING

HOUSE BILL 230. Having been recalled on April 11, 2005, 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 reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Giles, HOUSE BILL 230 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: 115, Yeas; 0, Nays; 0, 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.

SENATE BILL ON SECOND READING

SENATE BILL 204. Having been recalled on October 25, 2005, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 11:30 o'clock a.m.

SENATE BILL ON SECOND READING

SENATE BILL 273. Having been read by title a second time on October 25, 2005, and held on the order of Second Reading, the same was again taken up.

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

AMENDMENT NO. 1. Amend Senate Bill 273 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Methamphetamine Precursor Control Act

Section 5. Purpose. The purpose of this Act is to reduce the harm that methamphetamine manufacturing and manufacturers are inflicting on individuals, families, communities, first responders, the economy, and the environment in Illinois, by making it more difficult for persons engaged in the unlawful manufacture of methamphetamine and related activities to obtain methamphetamine's essential ingredient, ephedrine or pseudoephedrine.

Section 10. Definitions. In this Act:

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

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

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

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

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

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

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

"Methamphetamine precursor" has the meaning provided in Section 10 of the Methamphetamine Control

and Community Protection Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 15. Basic provisions.

(a) No targeted methamphetamine precursor shall be purchased, received, or otherwise acquired in any manner other than that described in Section 20 of this Act.

(b) No targeted methamphetamine precursor shall be knowingly administered, dispensed, or distributed for any purpose other than a medical purpose.

(c) No targeted methamphetamine precursor shall be knowingly administered, dispensed, or distributed for the purpose of violating or evading this Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act.

(d) No targeted methamphetamine precursor shall be administered, dispensed, or distributed with knowledge that it will be used to manufacture methamphetamine or with reckless disregard of its likely use to manufacture methamphetamine.

(e) No targeted methamphetamine precursor shall be administered, dispensed, or distributed except by:

(1) a pharmacist pursuant to the valid order of a prescriber;

(2) any other practitioner authorized to do so by the Illinois Controlled Substances Act;

(3) a drug abuse treatment program, pursuant to subsection (d) of Section 313 of the Illinois Controlled Substances Act;

(4) a pharmacy pursuant to Section 25 of this Act;

(5) a retail distributor pursuant to Sections 30 and 35 of this Act; or

(6) a distributor authorized by the Drug Enforcement Administration to distribute bulk quantities of a list I chemical under the federal Controlled Substances Act and corresponding regulations, or the employee or agent of such a distributor acting in the normal course of business.

Section 20. Restrictions on purchase, receipt, or acquisition.

(a) Except as provided in subsection (e) of this Section, any person 18 years of age or older wishing to purchase, receive, or otherwise acquire a targeted methamphetamine precursor shall, prior to taking possession of the targeted methamphetamine precursor:

(1) provide a driver's license or other government-issued identification showing the person's name, date of birth, and photograph; and

(2) sign a log documenting the name and address of the person, date and time of the transaction, and brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers.

(b) Except as provided in subsection (e) of this Section, no person shall knowingly

purchase, receive, or otherwise acquire, within any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(c) Except as provided in subsections (d) and (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire more than 2 targeted packages in a single retail transaction.

(d) Except as provided in subsection (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire more than one convenience package in a 24-hour period.

(e) This Section shall not apply to any person who purchases, receives, or otherwise acquires a targeted methamphetamine precursor for the purpose of dispensing, distributing, or administering it in a lawful manner described in subsection (e) of Section 15 of this Act.

Section 25. Pharmacies.

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

(b) The targeted methamphetamine precursor shall:

- (1) be packaged in blister packs, with each blister containing not more than 2 dosage units, or when the use of blister packs is technically infeasible, in unit dose packets; and
- (2) contain no more than 3,000 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(c) The targeted methamphetamine precursor shall be distributed by a pharmacist or pharmacy technician licensed under the Pharmacy Practice Act of 1987.

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

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

- (1) The person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor is 18 years of age or older and resembles the photograph of the person on the government-issued identification presented by the person; and
- (2) The name entered into the log referred to in subsection (a) of Section 20 of this Act corresponds to the name on the government-issued identification presented by the person.

(f) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 2 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs may be kept in an electronic format if they include all the information specified in subsection (a) of Section 20 of this Act in a manner that is readily retrievable and reproducible in hard-copy format.

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

(h) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person in any 24-hour period more than one convenience package.

(i) Except as provided in subsection (h) of this Section, no retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person more than 2 targeted packages in a single retail transaction.

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

Section 30. Retail distributors; general requirements.

(a) No retail distributor shall distribute any convenience package except in accordance with this Section and Section 35 of this Act.

(b) The convenience packages must be displayed behind store counters or in locked cases, so that customers are not able to reach the product without the assistance of a store employee or agent.

(c) The retailer distributor shall ensure that any person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor complies with subsection (a) of Section 20 of this Act.

(d) The retail distributor shall verify that:

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

(2) The name entered into the log referred to in subsection (a) of Section 20 of this

Act corresponds to the name on the government-issued identification presented by the person.

(e) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 2 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs may be kept in an electronic format if they include all the information specified in subsection (a) of Section 20 of this Act in a form that is readily retrievable.

(f) No retail distributor shall knowingly distribute any targeted methamphetamine precursor to any person under 18 years of age.

(g) No retail distributor shall knowingly distribute to a single person in any 24-hour period more than one convenience package.

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

Section 35. Retail distributors; training requirements.

(a) Every retail distributor of any targeted methamphetamine precursor shall train each sales employee on the topics listed on the certification form described in subsection (b) of this Section. This training may be conducted by a live trainer or by means of a computer-based training program. This training shall be completed within 30 days of the effective date of this Act or within 30 days of the date that each sales employee begins working for the retail distributor, whichever of these 2 dates comes later.

(b) Immediately after training each sales employee as required in subsection (a) of this Section, every retail distributor of any targeted methamphetamine precursor shall have each sales employee read, sign, and date a certification containing the following language:

(1) My name is (insert name of employee) and I am an employee of (insert name of business) at (insert street address).

(2) I understand that in Illinois there are laws governing the sale of certain over-the-counter medications that contain a chemical called ephedrine or a second chemical called pseudoephedrine. Medications that are subject to these laws are called "targeted methamphetamine precursors".

(3) I understand that "targeted methamphetamine precursors" can be used to manufacture the illegal and dangerous drug methamphetamine and that methamphetamine is causing great harm to individuals, families, communities, the economy, and the environment throughout Illinois.

(4) I understand that under Illinois law, unless they are at a pharmacy counter, customers can only purchase small "convenience packages" of "targeted methamphetamine precursors".

(5) I understand that under Illinois law, customers can only purchase these "convenience packages" if they are 18 years of age or older, show identification, and sign a log according to procedures that have been described to me.

(6) I understand that under Illinois law, I cannot sell more than one "convenience package" to a single customer in one 24-hour period.

(7) I understand that under Illinois law, I cannot sell "targeted methamphetamine precursors" to a person if I know that the person is going to use them to make methamphetamine.

(8) I understand that there are a number of ingredients that are used to make the illegal drug methamphetamine, including "targeted methamphetamine precursors" sold in "convenience packages". My employer has shown me a list of these various ingredients, and I have reviewed the list.

(9) I understand that there are certain procedures that I should follow if I suspect that a store customer is purchasing "targeted methamphetamine precursors" or other products for the purpose of manufacturing methamphetamine. These procedures have been described to me, and I understand them.

(c) A certification form of the type described in subsection (b) of this Section may be signed with a handwritten signature or an electronic signature that includes a unique identifier for each employee. The certification shall be retained by the retail distributor for each sales employee for the duration of his or her employment and for at least 30 days following the end of his or her employment. Any such form shall be made available for inspection and copying by any law enforcement officer upon request of that officer. These records may be kept in electronic format if they include all the information specified in this Section in a manner that is readily retrievable and reproducible in hard-copy format.

(d) The Office of the Illinois Attorney General shall make available to retail distributors the list of methamphetamine ingredients referred to in subsection (b) of this Section.

Section 40. Penalties.

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

(b) An employee or agent of a pharmacy or retail distributor who violates this Act is guilty of a Class A misdemeanor for a first offense, a Class 4 felony for a second offense, and a Class 1 felony for a third or subsequent offense.

(c) Any other person who violates this Act is guilty of a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class 4 felony for a third or subsequent offense.

Section 45. Immunity from civil liability. In the event that any agent or employee of a pharmacy or retail distributor reports to any law enforcement officer or agency any suspicious activity concerning a targeted methamphetamine precursor or other methamphetamine ingredient or ingredients, the agent or employee and the pharmacy or retail distributor itself are immune from civil liability based on allegations of defamation, libel, slander, false arrest, false arrest, or malicious prosecution, or similar allegations, except in cases of willful or wanton misconduct.

Section 50. Scope of Act.

(a) Nothing in this Act limits the scope, terms, or effect of the Methamphetamine Control and Community Protection Act.

(b) Nothing in this Act limits the lawful authority granted by the Medical Practice Act of 1987, the Nursing and Advanced Practice Nursing Act, or the Pharmacy Practice Act of 1987.

(c) Nothing in this Act limits the authority or activity of any law enforcement officer acting within the scope of his or her employment.

Section 55. Preemption and home rule powers.

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

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

Section 900. The Illinois Controlled Substances Act is amended by changing Sections 211, 212, 216, 304, and 312 as follows:

(720 ILCS 570/211) (from Ch. 56 1/2, par. 1211)

Sec. 211. The Department shall issue a rule scheduling a substance in Schedule V if it finds that:

- (1) the substance has low potential for abuse relative to the controlled substances listed in Schedule IV;
- (2) the substance has currently accepted medical use in treatment in the United States; and
- (3) abuse of the substance may lead to limited physiological dependence or psychological dependence relative to the substances in Schedule IV, or the substance is a targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act.

(Source: P.A. 83-969.)

(720 ILCS 570/212) (from Ch. 56 1/2, par. 1212)

Sec. 212. (a) The controlled substances listed in this section are included in Schedule V.

(b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid which also contains one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone as set forth below:

- (1) not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;
- (2) not more than 100 milligrams of dihydrocodeine; or any of its salts, per 100 milliliters or per 100 grams;
- (3) not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;
- (4) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

- (5) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;
- (6) not more than 0.5 milligram of difenoxin (DEA Drug Code No. 9618) and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) Buprenorphine.

(d) Pyrovalerone.

(d-5) Any targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act.

(e) Any compound, mixture or preparation which contains any quantity of any controlled substance when such compound, mixture or preparation is not otherwise controlled in Schedules I, II, III or IV.

(Source: P.A. 89-202, eff. 10-1-95.)

(720 ILCS 570/216)

Sec. 216. Ephedrine.

(a) The following drug products containing ephedrine, its salts, optical isomers and salts of optical isomers shall be exempt from the application of Sections 312 and 313 of this Act if they: (i) may lawfully be sold over-the-counter without a prescription under the Federal Food, Drug, and Cosmetic Act; (ii) are labeled and marketed in a manner consistent with Section 341.76 of Title 21 of the Code of Federal Regulations; (iii) are manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse; and (iv) are not marketed, advertised, or labeled for the indications of stimulation, mental alertness, weight loss, muscle enhancement, appetite control, or energy:

(1) Solid oral dosage forms, including soft gelatin caplets, which are formulated pursuant to 21 CFR 341 or its successor, and packaged in blister packs of not more than 2 tablets per blister.

(2) Anorectal preparations containing not more than 5% ephedrine.

(b) The marketing, advertising, or labeling of any product containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine, for the indications of stimulation, mental alertness, weight loss, appetite control, or energy, is prohibited. In determining compliance with this requirement the Department may consider the following factors:

(1) The packaging of the drug product;

(2) The name and labeling of the product;

(3) The manner of distribution, advertising, and promotion of the product;

(4) Verbal representations made concerning the product;

(5) The duration, scope, and significance of abuse or misuse of the particular product.

(c) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 4 felony.

(d) This Section does not apply to dietary supplements, herbs, or other natural products, including concentrates or extracts, which:

(1) are not otherwise prohibited by law; and

(2) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine, or their salts, isomers, or salts of isomers, or a combination of these substances, that:

(i) are contained in a matrix of organic material; and

(ii) do not exceed 15% of the total weight of the natural product.

(e) Nothing in this Section limits the scope or terms of the Methamphetamine Precursor Control Act.

(Source: P.A. 90-775, eff. 1-1-99.)

(720 ILCS 570/304) (from Ch. 56 1/2, par. 1304)

Sec. 304. (a) A registration under Section 303 to manufacture, distribute, or dispense a controlled substance or purchase, store, or administer euthanasia drugs may be suspended or revoked by the Department of Professional Regulation upon a finding that the registrant:

(1) has furnished any false or fraudulent material information in any application filed under this Act; or

(2) has been convicted of a felony under any law of the United States or any State relating to any controlled substance; or

(3) has had suspended or revoked his Federal registration to manufacture, distribute, or dispense controlled substances or purchase, store, or administer euthanasia drugs; or

(4) has been convicted of bribery, perjury, or other infamous crime under the laws of the United States or of any State; or

(5) has violated any provision of this Act or any rules promulgated hereunder, or any provision of the Methamphetamine Precursor Control Act or rules promulgated thereunder, whether

or not he has been convicted of such violation; or

(6) has failed to provide effective controls against the diversion of controlled substances in other than legitimate medical, scientific or industrial channels.

(b) The Department of Professional Regulation may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(c) The Department of Professional Regulation shall promptly notify the Administration, the Department and the Department of State Police or their successor agencies, of all orders denying, suspending or revoking registration, all forfeitures of controlled substances, and all final court dispositions, if any, of such denials, suspensions, revocations or forfeitures.

(d) If Federal registration of any registrant is suspended, revoked, refused renewal or refused issuance, then the Department of Professional Regulation shall issue a notice and conduct a hearing in accordance with Section 305 of this Act.

(Source: P.A. 93-626, eff. 12-23-03.)

(720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

Sec. 312. Requirements for dispensing controlled substances.

(a) A practitioner, in good faith, may dispense a Schedule II controlled substance, which is a narcotic drug listed in Section 206 of this Act; or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers; phenmetrazine and its salts; or pentazocine; and Schedule III, IV, or V controlled substances to any person upon a written prescription of any prescriber, dated and signed by the person prescribing on the day when issued and bearing the name and address of the patient for whom, or the owner of the animal for which the controlled substance is dispensed, and the full name, address and registry number under the laws of the United States relating to controlled substances of the prescriber, if he is required by those laws to be registered. If the prescription is for an animal it shall state the species of animal for which it is ordered. The practitioner filling the prescription shall write the date of filling and his own signature on the face of the written prescription. The written prescription shall be retained on file by the practitioner who filled it or pharmacy in which the prescription was filled for a period of 2 years, so as to be readily accessible for inspection or removal by any officer or employee engaged in the enforcement of this Act. Whenever the practitioner's or pharmacy's copy of any prescription is removed by an officer or employee engaged in the enforcement of this Act, for the purpose of investigation or as evidence, such officer or employee shall give to the practitioner or pharmacy a receipt in lieu thereof. A prescription for a Schedule II controlled substance shall not be filled more than 7 days after the date of issuance. A written prescription for Schedule III, IV or V controlled substances shall not be filled or refilled more than 6 months after the date thereof or refilled more than 5 times unless renewed, in writing, by the prescriber.

(b) In lieu of a written prescription required by this Section, a pharmacist, in good faith, may dispense Schedule III, IV, or V substances to any person either upon receiving a facsimile of a written, signed prescription transmitted by the prescriber or the prescriber's agent or upon a lawful oral prescription of a prescriber which oral prescription shall be reduced promptly to writing by the pharmacist and such written memorandum thereof shall be dated on the day when such oral prescription is received by the pharmacist and shall bear the full name and address of the ultimate user for whom, or of the owner of the animal for which the controlled substance is dispensed, and the full name, address, and registry number under the law of the United States relating to controlled substances of the prescriber prescribing if he is required by those laws to be so registered, and the pharmacist filling such oral prescription shall write the date of filling and his own signature on the face of such written memorandum thereof. The facsimile copy of the prescription or written memorandum of the oral prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of not less than two years, so as to be readily accessible for inspection by any officer or employee engaged in the enforcement of this Act in the same manner as a written prescription. The facsimile copy of the prescription or oral prescription and the written memorandum thereof shall not be filled or refilled more than 6 months after the date thereof or be refilled more than 5 times, unless renewed, in writing, by the prescriber.

(c) Except for any targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act, a controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose and not for the purpose of evading this Act, and then:

(1) only personally by a person registered to dispense a Schedule V controlled substance and then only to his patients, or

(2) only personally by a pharmacist, and then only to a person over 21 years of age who has identified himself to the pharmacist by means of 2 positive documents of identification.

(3) the dispenser shall record the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the dispenser's signature.

(4) no person shall purchase or be dispensed more than 120 milliliters or more than 120 grams of any Schedule V substance which contains codeine, dihydrocodeine, or any salts thereof, or ethylmorphine, or any salts thereof, in any 96 hour period. The purchaser shall sign a form, approved by the Department of Professional Regulation, attesting that he has not purchased any Schedule V controlled substances within the immediately preceding 96 hours.

(5) a copy of the records of sale, including all information required by paragraph (3), shall be forwarded to the Department of Professional Regulation at its principal office by the 15th day of the following month.

(6) all records of purchases and sales shall be maintained for not less than 2 years.

(7) no person shall obtain or attempt to obtain within any consecutive 96 hour period any Schedule V substances of more than 120 milliliters or more than 120 grams containing codeine, dihydrocodeine or any of its salts, or ethylmorphine or any of its salts. Any person obtaining any such preparations or combination of preparations in excess of this limitation shall be in unlawful possession of such controlled substance.

(8) a person qualified to dispense controlled substances under this Act and registered thereunder shall at no time maintain or keep in stock a quantity of Schedule V controlled substances defined and listed in Section 212 (b) (1), (2) or (3) in excess of 4.5 liters for each substance; a pharmacy shall at no time maintain or keep in stock a quantity of Schedule V controlled substances as defined in excess of 4.5 liters for each substance, plus the additional quantity of controlled substances necessary to fill the largest number of prescription orders filled by that pharmacy for such controlled substances in any one week in the previous year. These limitations shall not apply to Schedule V controlled substances which Federal law prohibits from being dispensed without a prescription.

(9) no person shall distribute or dispense butyl nitrite for inhalation or other introduction into the human body for euphoric or physical effect.

(d) Every practitioner shall keep a record of controlled substances received by him and a record of all such controlled substances administered, dispensed or professionally used by him otherwise than by prescription. It shall, however, be sufficient compliance with this paragraph if any practitioner utilizing controlled substances listed in Schedules III, IV and V shall keep a record of all those substances dispensed and distributed by him other than those controlled substances which are administered by the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means to the body of a patient or research subject. A practitioner who dispenses, other than by administering, a controlled substance in Schedule II, which is a narcotic drug listed in Section 206 of this Act, or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers, pentazocine, or methaqualone shall do so only upon the issuance of a written prescription blank by a prescriber.

(e) Whenever a manufacturer distributes a controlled substance in a package prepared by him, and whenever a wholesale distributor distributes a controlled substance in a package prepared by him or the manufacturer, he shall securely affix to each package in which that substance is contained a label showing in legible English the name and address of the manufacturer, the distributor and the quantity, kind and form of controlled substance contained therein. No person except a pharmacist and only for the purposes of filling a prescription under this Act, shall alter, deface or remove any label so affixed.

(f) Whenever a practitioner dispenses any controlled substance except a non-prescription targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act, he shall affix to the container in which such substance is sold or dispensed, a label indicating the date of initial filling, the practitioner's name and address, the name of the patient, the name of the prescriber, the directions for use and cautionary statements, if any, contained in any prescription or required by law, the proprietary name or names or the established name of the controlled substance, and the dosage and quantity, except as otherwise authorized by regulation by the Department of Professional Regulation. No person shall alter, deface or remove any label so affixed.

(g) A person to whom or for whose use any controlled substance has been prescribed or dispensed by a practitioner, or other persons authorized under this Act, and the owner of any animal for which such substance has been prescribed or dispensed by a veterinarian, may lawfully possess such substance only in the container in which it was delivered to him by the person dispensing such substance.

(h) The responsibility for the proper prescribing or dispensing of controlled substances is upon the prescriber and the responsibility for the proper filling of a prescription for controlled substance drugs rests

with the pharmacist. An order purporting to be a prescription issued to any individual, which is not in the regular course of professional treatment nor part of an authorized methadone maintenance program, nor in legitimate and authorized research instituted by any accredited hospital, educational institution, charitable foundation, or federal, state or local governmental agency, and which is intended to provide that individual with controlled substances sufficient to maintain that individual's or any other individual's physical or psychological addiction, habitual or customary use, dependence, or diversion of that controlled substance is not a prescription within the meaning and intent of this Act; and the person issuing it, shall be subject to the penalties provided for violations of the law relating to controlled substances.

(i) A prescriber shall not preprint or cause to be preprinted a prescription for any controlled substance; nor shall any practitioner issue, fill or cause to be issued or filled, a preprinted prescription for any controlled substance.

(j) No person shall manufacture, dispense, deliver, possess with intent to deliver, prescribe, or administer or cause to be administered under his direction any anabolic steroid, for any use in humans other than the treatment of disease in accordance with the order of a physician licensed to practice medicine in all its branches for a valid medical purpose in the course of professional practice. The use of anabolic steroids for the purpose of hormonal manipulation that is intended to increase muscle mass, strength or weight without a medical necessity to do so, or for the intended purpose of improving physical appearance or performance in any form of exercise, sport, or game, is not a valid medical purpose or in the course of professional practice.

(Source: P.A. 90-253, eff. 7-29-97; 91-576, eff. 4-1-00; 91-714, eff. 6-2-00.)

(720 ILCS 647/Act rep.)

Section 905. The Methamphetamine Precursor Retail Sale Control Act is repealed.

Section 999. Effective date. This Act takes effect January 1, 2006."

Representative John Bradley offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend Senate Bill 273 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Methamphetamine Precursor Control Act.

Section 5. Purpose. The purpose of this Act is to reduce the harm that methamphetamine manufacturing and manufacturers are inflicting on individuals, families, communities, first responders, the economy, and the environment in Illinois, by making it more difficult for persons engaged in the unlawful manufacture of methamphetamine and related activities to obtain methamphetamine's essential ingredient, ephedrine or pseudoephedrine.

Section 10. Definitions. In this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Retail distributor" means a grocery store, general merchandise store, drug store, other merchandise store, or other entity or person whose activities as a distributor relating to drug products containing targeted

methamphetamine precursor are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

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

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

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

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

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

Section 15. Basic provisions.

(a) No targeted methamphetamine precursor shall be purchased, received, or otherwise acquired in any manner other than that described in Section 20 of this Act.

(b) No targeted methamphetamine precursor shall be knowingly administered, dispensed, or distributed for any purpose other than a medical purpose.

(c) No targeted methamphetamine precursor shall be knowingly administered, dispensed, or distributed for the purpose of violating or evading this Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act.

(d) No targeted methamphetamine precursor shall be administered, dispensed, or distributed with knowledge that it will be used to manufacture methamphetamine or with reckless disregard of its likely use to manufacture methamphetamine.

(e) No targeted methamphetamine precursor shall be administered, dispensed, or distributed except by:

(1) a pharmacist pursuant to the valid order of a prescriber;

(2) any other practitioner authorized to do so by the Illinois Controlled Substances Act;

(3) a drug abuse treatment program, pursuant to subsection (d) of Section 313 of the Illinois Controlled Substances Act;

(4) a pharmacy pursuant to Section 25 of this Act;

(5) a retail distributor pursuant to Sections 30 and 35 of this Act; or

(6) a distributor authorized by the Drug Enforcement Administration to distribute bulk quantities of a list I chemical under the federal Controlled Substances Act and corresponding regulations, or the employee or agent of such a distributor acting in the normal course of business. Section 20. Restrictions on purchase, receipt, or acquisition.

(a) Except as provided in subsection (e) of this Section, any person 18 years of age or older wishing to purchase, receive, or otherwise acquire a targeted methamphetamine precursor shall, prior to taking possession of the targeted methamphetamine precursor:

(1) provide a driver's license or other government-issued identification showing the person's name, date of birth, and photograph; and

(2) sign a log documenting the name and address of the person, date and time of the transaction, and brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers.

(b) Except as provided in subsection (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire, within any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(c) Except as provided in subsections (d) and (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire more than 2 targeted packages in a single retail transaction.

(d) Except as provided in subsection (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire more than one convenience package in a 24-hour period.

(e) This Section shall not apply to any person who purchases, receives, or otherwise acquires a targeted methamphetamine precursor for the purpose of dispensing, distributing, or administering it in a lawful manner described in subsection (e) of Section 15 of this Act.

Section 25. Pharmacies.

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

(b) The targeted methamphetamine precursor shall:

- (1) be packaged in blister packs, with each blister containing not more than 2 dosage units, or when the use of blister packs is technically infeasible, in unit dose packets; and
- (2) contain no more than 3,000 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(c) The targeted methamphetamine precursor shall be stored behind the pharmacy counter and distributed by a pharmacist or pharmacy technician licensed under the Pharmacy Practice Act of 1987.

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

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

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

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

(f) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 2 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs may be kept in an electronic format if they include all the information specified in subsection (a) of Section 20 of this Act in a manner that is readily retrievable and reproducible in hard-copy format.

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

(h) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person in any 24-hour period more than one convenience package.

(i) Except as provided in subsection (h) of this Section, no retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person more than 2 targeted packages in a single retail transaction.

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

Section 30. Retail distributors; general requirements.

(a) No retail distributor shall distribute any convenience package except in accordance with this Section and Section 35 of this Act.

(b) The convenience packages must be displayed behind store counters or in locked cases, so that customers are not able to reach the product without the assistance of a store employee or agent.

(c) The retailer distributor shall ensure that any person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor complies with subsection (a) of Section 20 of this Act.

(d) The retail distributor shall verify that:

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

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

(e) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 2 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs may be kept in an electronic format if they include all the information specified in subsection (a) of Section 20 of this Act in a form that is readily retrievable.

(f) No retail distributor shall knowingly distribute any targeted methamphetamine precursor to any person under 18 years of age.

(g) No retail distributor shall knowingly distribute to a single person in any 24-hour period more than one convenience package.

(h) No retail distributor shall knowingly distribute to a single person in any 30-day period products

containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

Section 35. Retail distributors; training requirements.

(a) Every retail distributor of any targeted methamphetamine precursor shall train each sales employee on the topics listed on the certification form described in subsection (b) of this Section. This training may be conducted by a live trainer or by means of a computer-based training program. This training shall be completed within 30 days of the effective date of this Act or within 30 days of the date that each sales employee begins working for the retail distributor, whichever of these 2 dates comes later.

(b) Immediately after training each sales employee as required in subsection (a) of this Section, every retail distributor of any targeted methamphetamine precursor shall have each sales employee read, sign, and date a certification containing the following language:

(1) My name is (insert name of employee) and I am an employee of (insert name of business) at (insert street address).

(2) I understand that in Illinois there are laws governing the sale of certain over-the-counter medications that contain a chemical called ephedrine or a second chemical called pseudoephedrine. Medications that are subject to these laws are called "targeted methamphetamine precursors".

(3) I understand that "targeted methamphetamine precursors" can be used to manufacture the illegal and dangerous drug methamphetamine and that methamphetamine is causing great harm to individuals, families, communities, the economy, and the environment throughout Illinois.

(4) I understand that under Illinois law, unless they are at a pharmacy counter, customers can only purchase small "convenience packages" of "targeted methamphetamine precursors".

(5) I understand that under Illinois law, customers can only purchase these "convenience packages" if they are 18 years of age or older, show identification, and sign a log according to procedures that have been described to me.

(6) I understand that under Illinois law, I cannot sell more than one "convenience package" to a single customer in one 24-hour period.

(7) I understand that under Illinois law, I cannot sell "targeted methamphetamine precursors" to a person if I know that the person is going to use them to make methamphetamine.

(8) I understand that there are a number of ingredients that are used to make the illegal drug methamphetamine, including "targeted methamphetamine precursors" sold in "convenience packages". My employer has shown me a list of these various ingredients, and I have reviewed the list.

(9) I understand that there are certain procedures that I should follow if I suspect that a store customer is purchasing "targeted methamphetamine precursors" or other products for the purpose of manufacturing methamphetamine. These procedures have been described to me, and I understand them.

(c) A certification form of the type described in subsection (b) of this Section may be signed with a handwritten signature or an electronic signature that includes a unique identifier for each employee. The certification shall be retained by the retail distributor for each sales employee for the duration of his or her employment and for at least 30 days following the end of his or her employment. Any such form shall be made available for inspection and copying by any law enforcement officer upon request of that officer. These records may be kept in electronic format if they include all the information specified in this Section in a manner that is readily retrievable and reproducible in hard-copy format.

(d) The Office of the Illinois Attorney General shall make available to retail distributors the list of methamphetamine ingredients referred to in subsection (b) of this Section.

Section 40. Penalties.

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

(b) An employee or agent of a pharmacy or retail distributor who violates this Act is guilty of a Class A misdemeanor for a first offense, a Class 4 felony for a second offense, and a Class 1 felony for a third or subsequent offense.

(c) Any other person who violates this Act is guilty of a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class 4 felony for a third or subsequent offense.

Section 45. Immunity from civil liability. In the event that any agent or employee of a pharmacy or retail

distributor reports to any law enforcement officer or agency any suspicious activity concerning a targeted methamphetamine precursor or other methamphetamine ingredient or ingredients, the agent or employee and the pharmacy or retail distributor itself are immune from civil liability based on allegations of defamation, libel, slander, false arrest, or malicious prosecution, or similar allegations, except in cases of willful or wanton misconduct.

Section 50. Scope of Act.

(a) Nothing in this Act limits the scope, terms, or effect of the Methamphetamine Control and Community Protection Act.

(b) Nothing in this Act limits the lawful authority granted by the Medical Practice Act of 1987, the Nursing and Advanced Practice Nursing Act, or the Pharmacy Practice Act of 1987.

(c) Nothing in this Act limits the authority or activity of any law enforcement officer acting within the scope of his or her employment.

Section 55. Preemption and home rule powers.

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

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

Section 900. The Illinois Controlled Substances Act is amended by changing Sections 211, 212, 216, 304, and 312 as follows:

(720 ILCS 570/211) (from Ch. 56 1/2, par. 1211)

Sec. 211. The Department shall issue a rule scheduling a substance in Schedule V if it finds that:

(1) the substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substance may lead to limited physiological dependence or psychological dependence relative to the substances in Schedule IV, or the substance is a targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act.

(Source: P.A. 83-969.)

(720 ILCS 570/212) (from Ch. 56 1/2, par. 1212)

Sec. 212. (a) The controlled substances listed in this section are included in Schedule V.

(b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid which also contains one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone as set forth below:

(1) not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;

(2) not more than 100 milligrams of dihydrocodeine; or any of its salts, per 100 milliliters or per 100 grams;

(3) not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;

(4) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

(6) not more than 0.5 milligram of difenoxin (DEA Drug Code No. 9618) and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) Buprenorphine.

(d) Pyrovalerone.

(d-5) Any targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act.

(e) Any compound, mixture or preparation which contains any quantity of any controlled substance when such compound, mixture or preparation is not otherwise controlled in Schedules I, II, III or IV.

(Source: P.A. 89-202, eff. 10-1-95.)

(720 ILCS 570/216)

Sec. 216. Ephedrine.

(a) The following drug products containing ephedrine, its salts, optical isomers and salts of optical isomers shall be exempt from the application of Sections 312 and 313 of this Act if they: (i) may lawfully be sold over-the-counter without a prescription under the Federal Food, Drug, and Cosmetic Act; (ii) are labeled and marketed in a manner consistent with Section 341.76 of Title 21 of the Code of Federal Regulations; (iii) are manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse; and (iv) are not marketed, advertised, or labeled for the indications of stimulation, mental alertness, weight loss, muscle enhancement, appetite control, or energy:

(1) Solid oral dosage forms, including soft gelatin caplets, which are formulated pursuant to 21 CFR 341 or its successor, and packaged in blister packs of not more than 2 tablets per blister.

(2) Anorectal preparations containing not more than 5% ephedrine.

(b) The marketing, advertising, or labeling of any product containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine, for the indications of stimulation, mental alertness, weight loss, appetite control, or energy, is prohibited. In determining compliance with this requirement the Department may consider the following factors:

(1) The packaging of the drug product;

(2) The name and labeling of the product;

(3) The manner of distribution, advertising, and promotion of the product;

(4) Verbal representations made concerning the product;

(5) The duration, scope, and significance of abuse or misuse of the particular product.

(c) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 4 felony.

(d) This Section does not apply to dietary supplements, herbs, or other natural products, including concentrates or extracts, which:

(1) are not otherwise prohibited by law; and

(2) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine, or their salts, isomers, or salts of isomers, or a combination of these substances, that:

(i) are contained in a matrix of organic material; and

(ii) do not exceed 15% of the total weight of the natural product.

(e) Nothing in this Section limits the scope or terms of the Methamphetamine Precursor Control Act.

(Source: P.A. 90-775, eff. 1-1-99.)

(720 ILCS 570/304) (from Ch. 56 1/2, par. 1304)

Sec. 304. (a) A registration under Section 303 to manufacture, distribute, or dispense a controlled substance or purchase, store, or administer euthanasia drugs may be suspended or revoked by the Department of Professional Regulation upon a finding that the registrant:

(1) has furnished any false or fraudulent material information in any application filed under this Act; or

(2) has been convicted of a felony under any law of the United States or any State relating to any controlled substance; or

(3) has had suspended or revoked his Federal registration to manufacture, distribute, or dispense controlled substances or purchase, store, or administer euthanasia drugs; or

(4) has been convicted of bribery, perjury, or other infamous crime under the laws of the United States or of any State; or

(5) has violated any provision of this Act or any rules promulgated hereunder, or any provision of the Methamphetamine Precursor Control Act or rules promulgated thereunder, whether or not he has been convicted of such violation; or

(6) has failed to provide effective controls against the diversion of controlled substances in other than legitimate medical, scientific or industrial channels.

(b) The Department of Professional Regulation may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(c) The Department of Professional Regulation shall promptly notify the Administration, the Department and the Department of State Police or their successor agencies, of all orders denying, suspending or revoking registration, all forfeitures of controlled substances, and all final court dispositions, if any, of such denials, suspensions, revocations or forfeitures.

(d) If Federal registration of any registrant is suspended, revoked, refused renewal or refused issuance, then the Department of Professional Regulation shall issue a notice and conduct a hearing in accordance

with Section 305 of this Act.

(Source: P.A. 93-626, eff. 12-23-03.)

(720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

Sec. 312. Requirements for dispensing controlled substances.

(a) A practitioner, in good faith, may dispense a Schedule II controlled substance, which is a narcotic drug listed in Section 206 of this Act; or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers; phenmetrazine and its salts; or pentazocine; and Schedule III, IV, or V controlled substances to any person upon a written prescription of any prescriber, dated and signed by the person prescribing on the day when issued and bearing the name and address of the patient for whom, or the owner of the animal for which the controlled substance is dispensed, and the full name, address and registry number under the laws of the United States relating to controlled substances of the prescriber, if he is required by those laws to be registered. If the prescription is for an animal it shall state the species of animal for which it is ordered. The practitioner filling the prescription shall write the date of filling and his own signature on the face of the written prescription. The written prescription shall be retained on file by the practitioner who filled it or pharmacy in which the prescription was filled for a period of 2 years, so as to be readily accessible for inspection or removal by any officer or employee engaged in the enforcement of this Act. Whenever the practitioner's or pharmacy's copy of any prescription is removed by an officer or employee engaged in the enforcement of this Act, for the purpose of investigation or as evidence, such officer or employee shall give to the practitioner or pharmacy a receipt in lieu thereof. A prescription for a Schedule II controlled substance shall not be filled more than 7 days after the date of issuance. A written prescription for Schedule III, IV or V controlled substances shall not be filled or refilled more than 6 months after the date thereof or refilled more than 5 times unless renewed, in writing, by the prescriber.

(b) In lieu of a written prescription required by this Section, a pharmacist, in good faith, may dispense Schedule III, IV, or V substances to any person either upon receiving a facsimile of a written, signed prescription transmitted by the prescriber or the prescriber's agent or upon a lawful oral prescription of a prescriber which oral prescription shall be reduced promptly to writing by the pharmacist and such written memorandum thereof shall be dated on the day when such oral prescription is received by the pharmacist and shall bear the full name and address of the ultimate user for whom, or of the owner of the animal for which the controlled substance is dispensed, and the full name, address, and registry number under the law of the United States relating to controlled substances of the prescriber prescribing if he is required by those laws to be so registered, and the pharmacist filling such oral prescription shall write the date of filling and his own signature on the face of such written memorandum thereof. The facsimile copy of the prescription or written memorandum of the oral prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of not less than two years, so as to be readily accessible for inspection by any officer or employee engaged in the enforcement of this Act in the same manner as a written prescription. The facsimile copy of the prescription or oral prescription and the written memorandum thereof shall not be filled or refilled more than 6 months after the date thereof or be refilled more than 5 times, unless renewed, in writing, by the prescriber.

(c) Except for any targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act, a ~~A~~ controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose and not for the purpose of evading this Act, and then:

- (1) only personally by a person registered to dispense a Schedule V controlled substance and then only to his patients, or
- (2) only personally by a pharmacist, and then only to a person over 21 years of age who has identified himself to the pharmacist by means of 2 positive documents of identification.
- (3) the dispenser shall record the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the dispenser's signature.
- (4) no person shall purchase or be dispensed more than 120 milliliters or more than 120 grams of any Schedule V substance which contains codeine, dihydrocodeine, or any salts thereof, or ethylmorphine, or any salts thereof, in any 96 hour period. The purchaser shall sign a form, approved by the Department of Professional Regulation, attesting that he has not purchased any Schedule V controlled substances within the immediately preceding 96 hours.
- (5) a copy of the records of sale, including all information required by paragraph (3), shall be forwarded to the Department of Professional Regulation at its principal office by the 15th day of the following month.
- (6) all records of purchases and sales shall be maintained for not less than 2 years.

(7) no person shall obtain or attempt to obtain within any consecutive 96 hour period any Schedule V substances of more than 120 milliliters or more than 120 grams containing codeine, dihydrocodeine or any of its salts, or ethylmorphine or any of its salts. Any person obtaining any such preparations or combination of preparations in excess of this limitation shall be in unlawful possession of such controlled substance.

(8) a person qualified to dispense controlled substances under this Act and registered thereunder shall at no time maintain or keep in stock a quantity of Schedule V controlled substances defined and listed in Section 212 (b) (1), (2) or (3) in excess of 4.5 liters for each substance; a pharmacy shall at no time maintain or keep in stock a quantity of Schedule V controlled substances as defined in excess of 4.5 liters for each substance, plus the additional quantity of controlled substances necessary to fill the largest number of prescription orders filled by that pharmacy for such controlled substances in any one week in the previous year. These limitations shall not apply to Schedule V controlled substances which Federal law prohibits from being dispensed without a prescription.

(9) no person shall distribute or dispense butyl nitrite for inhalation or other introduction into the human body for euphoric or physical effect.

(d) Every practitioner shall keep a record of controlled substances received by him and a record of all such controlled substances administered, dispensed or professionally used by him otherwise than by prescription. It shall, however, be sufficient compliance with this paragraph if any practitioner utilizing controlled substances listed in Schedules III, IV and V shall keep a record of all those substances dispensed and distributed by him other than those controlled substances which are administered by the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means to the body of a patient or research subject. A practitioner who dispenses, other than by administering, a controlled substance in Schedule II, which is a narcotic drug listed in Section 206 of this Act, or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers, pentazocine, or methaqualone shall do so only upon the issuance of a written prescription blank by a prescriber.

(e) Whenever a manufacturer distributes a controlled substance in a package prepared by him, and whenever a wholesale distributor distributes a controlled substance in a package prepared by him or the manufacturer, he shall securely affix to each package in which that substance is contained a label showing in legible English the name and address of the manufacturer, the distributor and the quantity, kind and form of controlled substance contained therein. No person except a pharmacist and only for the purposes of filling a prescription under this Act, shall alter, deface or remove any label so affixed.

(f) Whenever a practitioner dispenses any controlled substance except a non-prescription targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act, he shall affix to the container in which such substance is sold or dispensed, a label indicating the date of initial filling, the practitioner's name and address, the name of the patient, the name of the prescriber, the directions for use and cautionary statements, if any, contained in any prescription or required by law, the proprietary name or names or the established name of the controlled substance, and the dosage and quantity, except as otherwise authorized by regulation by the Department of Professional Regulation. No person shall alter, deface or remove any label so affixed.

(g) A person to whom or for whose use any controlled substance has been prescribed or dispensed by a practitioner, or other persons authorized under this Act, and the owner of any animal for which such substance has been prescribed or dispensed by a veterinarian, may lawfully possess such substance only in the container in which it was delivered to him by the person dispensing such substance.

(h) The responsibility for the proper prescribing or dispensing of controlled substances is upon the prescriber and the responsibility for the proper filling of a prescription for controlled substance drugs rests with the pharmacist. An order purporting to be a prescription issued to any individual, which is not in the regular course of professional treatment nor part of an authorized methadone maintenance program, nor in legitimate and authorized research instituted by any accredited hospital, educational institution, charitable foundation, or federal, state or local governmental agency, and which is intended to provide that individual with controlled substances sufficient to maintain that individual's or any other individual's physical or psychological addiction, habitual or customary use, dependence, or diversion of that controlled substance is not a prescription within the meaning and intent of this Act; and the person issuing it, shall be subject to the penalties provided for violations of the law relating to controlled substances.

(i) A prescriber shall not preprint or cause to be preprinted a prescription for any controlled substance; nor shall any practitioner issue, fill or cause to be issued or filled, a preprinted prescription for any controlled substance.

(j) No person shall manufacture, dispense, deliver, possess with intent to deliver, prescribe, or administer or cause to be administered under his direction any anabolic steroid, for any use in humans other than the treatment of disease in accordance with the order of a physician licensed to practice medicine in all its branches for a valid medical purpose in the course of professional practice. The use of anabolic steroids for the purpose of hormonal manipulation that is intended to increase muscle mass, strength or weight without a medical necessity to do so, or for the intended purpose of improving physical appearance or performance in any form of exercise, sport, or game, is not a valid medical purpose or in the course of professional practice.

(Source: P.A. 90-253, eff. 7-29-97; 91-576, eff. 4-1-00; 91-714, eff. 6-2-00.)

(720 ILCS 647/Act rep.)

Section 905. The Methamphetamine Precursor Retail Sale Control Act is repealed.

Section 999. Effective date. This Act takes effect January 15, 2006."

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

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

On motion of Representative John Bradley, SENATE BILL 273 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:

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

(ROLL CALL 3)

This bill, as amended, having received the votes of three-fifths of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate thereof and ask their concurrence in the House amendment/s adopted thereto.

SENATE BILL ON SECOND READING

SENATE BILL 293. Having been read by title a second time on October 25, 2005, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Elementary & Secondary Education, adopted and reproduced.

AMENDMENT NO. 1. Amend Senate Bill 293 by replacing everything after the enacting clause with the following:

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

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

Sec. 10-20.21. Contracts.

(a) To award all contracts for purchase of supplies, materials or work or contracts with private carriers for transportation of pupils involving an expenditure in excess of \$10,000 to the lowest responsible bidder, considering conformity with specifications, terms of delivery, quality and serviceability, after due advertisement, except the following: (i) contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part; (ii) contracts for the printing of finance committee reports and departmental reports; (iii) contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness; (iv) contracts for the purchase of perishable foods and perishable beverages; (v) contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the

contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price; (vi) contracts for the maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent; (vii) purchases and contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services; (viii) contracts for duplicating machines and supplies; (ix) contracts for the purchase of natural gas when the cost is less than that offered by a public utility; (x) purchases of equipment previously owned by some entity other than the district itself; (xi) contracts for repair, maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to exceed \$20,000 and not involving a change or increase in the size, type, or extent of an existing facility; (xii) contracts for goods or services procured from another governmental agency; (xiii) contracts for goods or services which are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone or telegraph; (xiv) where funds are expended in an emergency and such emergency expenditure is approved by 3/4 of the members of the board; and (xv) State master contracts authorized under Article 28A of this Code.

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

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

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

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

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

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

(Source: P.A. 93-25, eff. 6-20-03; 93-1036, eff. 9-14-04.)

Section 90. The State Mandates Act is amended by adding Section 8.29 as follows:
(30 ILCS 805/8.29 new)

Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Section 99. Effective date. This Act takes effect July 1, 2006."

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

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

On motion of Representative Kosel, SENATE BILL 293 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 4)

This bill, as amended, 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 in the House amendment/s adopted.

HOUSE BILL ON SECOND READING

HOUSE BILL 1920. Having been read by title a second time on April 8, 2005, and held on the order of Second Reading, the same was again taken up.

Representative John Bradley offered and withdrew Amendment No. 2.

Representative John Bradley offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend House Bill 1920, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, lines 16 and 17, by replacing "upon becoming law" with "on July 1, 2007".

Representative John Bradley moved that the request for fiscal, balanced budget and state mandates notes are inapplicable.

Representative Parke objected and requested a verified roll call.

Representative Parke requested to divide the question.

Representative John Bradley withdrew his request.

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

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed; and the bill, as amended, was held on the order of Second Reading.

SENATE BILL ON SECOND READING

SENATE BILL 319. Having been read by title a second time on October 25, 2005, and held on the order of Second Reading, the same was again taken up.

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

AMENDMENT NO. 1. Amend Senate Bill 319 by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Section 5-8-1 as follows:

(730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

Sec. 5-8-1. Sentence of Imprisonment for Felony.

(a) Except as otherwise provided in the statute defining the offense, a sentence of imprisonment for a felony shall be a determinate sentence set by the court under this Section, according to the following limitations:

(1) for first degree murder,

(a) a term shall be not less than 20 years and not more than 60 years, or

(b) if a trier of fact finds beyond a reasonable doubt that the murder was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty or, except as set forth in subsection (a)(1)(c) of this Section, that any of the aggravating factors listed in subsection (b) of Section 9-1 of the Criminal Code of 1961 are present, the court may sentence the defendant to a term of natural life imprisonment, or

(c) the court shall sentence the defendant to a term of natural life imprisonment when the death penalty is not imposed if the defendant,

(i) has previously been convicted of first degree murder under any state or federal law, or

(ii) is a person who, at the time of the commission of the murder, had attained the age of 17 or more and is found guilty of murdering an individual under 12 years of age; or, irrespective of the defendant's age at the time of the commission of the offense, is found guilty of murdering more than one victim, or

(iii) is found guilty of murdering a peace officer, ~~or~~ fireman, or emergency management worker when the peace officer, fireman, or emergency management worker was killed in the course of performing his official duties, or to prevent the peace officer or fireman from performing his official duties, or in retaliation for the peace officer, fireman, or emergency management worker from performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer, fireman, or emergency management worker, or

(iv) is found guilty of murdering an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, when the employee was killed in the course of performing his official duties, or to prevent the employee from performing his official duties, or in retaliation for the employee performing his official duties, or

(v) is found guilty of murdering an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid person while employed by a municipality or other governmental unit when the person was killed in the course of performing official duties or to prevent the person from performing official duties or in retaliation for performing official duties and the defendant knew or should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistant or first aid personnel, or

(vi) is a person who, at the time of the commission of the murder, had not attained the age of 17, and is found guilty of murdering a person under 12 years of age and the murder is committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, or

(vii) is found guilty of first degree murder and the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961.

For purposes of clause (v), "emergency medical technician - ambulance", "emergency medical technician - intermediate", "emergency medical technician - paramedic", have the meanings ascribed to them in the Emergency Medical Services (EMS) Systems Act.

(d) (i) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;

(ii) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(iii) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(1.5) for second degree murder, a term shall be not less than 4 years and not more than 20 years;

(2) for a person adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, as amended, the sentence shall be a term of natural life imprisonment;

(2.5) for a person convicted under the circumstances described in paragraph (3) of subsection (b) of Section 12-13, paragraph (2) of subsection (d) of Section 12-14, paragraph (1.2) of subsection (b) of Section 12-14.1, or paragraph (2) of subsection (b) of Section 12-14.1 of the Criminal Code of 1961, the sentence shall be a term of natural life imprisonment;

(3) except as otherwise provided in the statute defining the offense, for a Class X felony, the sentence shall be not less than 6 years and not more than 30 years;

(4) for a Class 1 felony, other than second degree murder, the sentence shall be not less than 4 years and not more than 15 years;

(5) for a Class 2 felony, the sentence shall be not less than 3 years and not more than 7 years;

(6) for a Class 3 felony, the sentence shall be not less than 2 years and not more than 5 years;

(7) for a Class 4 felony, the sentence shall be not less than 1 year and not more than 3 years.

(b) The sentencing judge in each felony conviction shall set forth his reasons for imposing the particular sentence he enters in the case, as provided in Section 5-4-1 of this Code. Those reasons may include any mitigating or aggravating factors specified in this Code, or the lack of any such circumstances, as well as any other such factors as the judge shall set forth on the record that are consistent with the purposes and principles of sentencing set out in this Code.

(c) A motion to reduce a sentence may be made, or the court may reduce a sentence without motion, within 30 days after the sentence is imposed. A defendant's challenge to the correctness of a sentence or to any aspect of the sentencing hearing shall be made by a written motion filed within 30 days following the imposition of sentence. However, the court may not increase a sentence once it is imposed.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, the proponent of the motion shall exercise due diligence in seeking a determination on the motion and the court shall thereafter decide such motion within a reasonable time.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, then for purposes of perfecting an appeal, a final judgment shall not be considered to have been entered until the motion to reduce a sentence has been decided by order entered by the trial court.

A motion filed pursuant to this subsection shall not be considered to have been timely filed unless it is filed with the circuit court clerk within 30 days after the sentence is imposed together with a notice of motion, which notice of motion shall set the motion on the court's calendar on a date certain within a reasonable time after the date of filing.

(d) Except where a term of natural life is imposed, every sentence shall include as though written therein a term in addition to the term of imprisonment. For those sentenced under the law in effect prior to February 1, 1978, such term shall be identified as a parole term. For those sentenced on or after February 1, 1978, such term shall be identified as a mandatory supervised release term. Subject to earlier termination under Section 3-3-8, the parole or mandatory supervised release term shall be as follows:

(1) for first degree murder or a Class X felony except for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if ~~committed~~ ~~convicted~~ on or after the effective date of this amendatory Act of the 94th General Assembly July 1, 2005, 3 years;

(2) for a Class 1 felony or a Class 2 felony except for the offense of criminal sexual assault if ~~committed~~ ~~convicted~~ on or after the effective date of this amendatory Act of the 94th General Assembly July 1, 2005, 2 years;

(3) for a Class 3 felony or a Class 4 felony, 1 year;

(4) for defendants who commit the offense ~~convicted~~ of predatory criminal sexual assault of a child,

aggravated

criminal sexual assault, or criminal sexual assault, on or after the effective date of this amendatory Act of the 94th General Assembly July 1, 2005, the term of mandatory supervised release shall range from a minimum of 3 years to a maximum of the natural life of the defendant;

(5) if the victim is under 18 years of age, for a second or subsequent offense of aggravated criminal sexual abuse or felony criminal sexual abuse, 4 years, at least the first 2 years of which the defendant shall serve in an electronic home detention program under Article 8A of Chapter V of this Code.

(e) A defendant who has a previous and unexpired sentence of imprisonment imposed by another state or by any district court of the United States and who, after sentence for a crime in Illinois, must return to serve the unexpired prior sentence may have his sentence by the Illinois court ordered to be concurrent with the prior sentence in the other state. The court may order that any time served on the unexpired portion of the sentence in the other state, prior to his return to Illinois, shall be credited on his Illinois sentence. The other state shall be furnished with a copy of the order imposing sentence which shall provide that, when the offender is released from confinement of the other state, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing county to the Illinois Department of Corrections. The court shall cause the Department of Corrections to be notified of such sentence at the time of commitment and to be provided with copies of all records regarding the sentence.

(f) A defendant who has a previous and unexpired sentence of imprisonment imposed by an Illinois circuit court for a crime in this State and who is subsequently sentenced to a term of imprisonment by another state or by any district court of the United States and who has served a term of imprisonment imposed by the other state or district court of the United States, and must return to serve the unexpired prior sentence imposed by the Illinois Circuit Court may apply to the court which imposed sentence to have his sentence reduced.

The circuit court may order that any time served on the sentence imposed by the other state or district court of the United States be credited on his Illinois sentence. Such application for reduction of a sentence under this subsection (f) shall be made within 30 days after the defendant has completed the sentence imposed by the other state or district court of the United States.

(Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06; revised 8-19-05.)

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

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

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

On motion of Representative Gordon, SENATE BILL 319 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:

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

(ROLL CALL 5)

This bill, as amended, having received the votes of three-fifths of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate thereof and ask their concurrence in the House amendment/s adopted thereto.

SENATE BILLS ON SECOND READING

SENATE BILL 331. Having been read by title a second time on October 25, 2005, and held on the order of Second Reading, the same was again taken up.

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

AMENDMENT NO. 1. Amend Senate Bill 331 by replacing everything after the enacting clause with the following:

"Section 5. The Elevator Safety and Regulation Act is amended by changing Sections 5, 10, 15, 20, 25, 35, 40, 45, 50, 55, 60, 80, 90, 95, 105, 110, 120, 135, and 140 as follows:

(225 ILCS 312/5)

(Section scheduled to be repealed on January 1, 2013)

Sec. 5. Purpose. The purpose of this Act is to provide for the public safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury to employees and the public exposed to unsafe conditions. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this State. Elevator personnel performing work covered by this Act shall, by documented training or experience or both, be familiar with the operation and safety functions of the components and equipment. Training and experience shall include, but not be limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of the Act. This Act shall establish the minimum standards for elevator personnel.

~~This Act is not intended to interfere with the powers of municipalities or the home rule powers of a municipality with a population over 500,000, including the power to license and regulate any profession or occupation.~~

The provisions of this Act are not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by the Act, provided that there is technical documentation to demonstrate the equivalency of the system, method, or device, as prescribed in ASME A17.1, ASME A18.1, or ASCE 21.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/10)

(Section scheduled to be repealed on January 1, 2013)

Sec. 10. Applicability.

(a) This Act covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment, its associated parts, and its hoistways (except as modified by subsection (c) of this Section):

(1) Hoisting and lowering mechanisms equipped with a car or platform, which move between 2 or more landings. This equipment includes, but is not limited to, the following (also see ASME A17.1, ASME A17.3, ASME A18.1, and ANSI A10.4):

(A) Elevators.

(B) Platform lifts and stairway chair lifts.

(2) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Escalators.

(B) Moving walks.

(3) Hoisting and lowering mechanisms equipped with a car, which serves 2 or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Dumbwaiters.

(B) Material lifts and dumbwaiters with automatic transfer devices.

(b) This Act covers the design, construction, operation, inspection, maintenance, alteration, and repair of automatic guided transit vehicles on guideways with an exclusive right-of-way. This equipment includes, but is not limited to, automated people movers (also see ASCE 21).

(c) This Act does not apply to the following equipment:

(1) Material hoists.

(2) Belt manlifts.

(3) Mobile scaffolds, towers, and platforms, except those covered by ANSI A10.4.

(4) Powered platforms and equipment for exterior and interior maintenance.

(5) Conveyors and related equipment.

(6) Cranes, derricks, hoists, hooks, jacks, and slings.

(7) Industrial trucks.

- (8) Portable equipment, except for portable escalators.
- (9) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story.
- (10) Equipment for feeding or positioning materials at machine tools, printing presses, etc.
- (11) Skip or furnace hoists.
- (12) Wharf ramps.
- (13) Railroad car lifts or dumpers.
- (14) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this State.
- (15) Railway and Transit Systems.
- (16) Conveyances located in a private residence not accessible to the public.
- (17) Special purpose personnel elevators.

(d) This Act does not apply to a municipality with a population over 500,000.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/15)

(Section scheduled to be repealed on January 1, 2013)

Sec. 15. Definitions. For the purpose of this Act:

"Administrator" means the Office of the State Fire Marshal.

"ANSI A10.4" means the safety requirements for personnel hoists, an American National Standard.

"ASCE 21" means the American Society of Civil Engineers Automated People Mover Standards.

"ASME A17.1" means the Safety Code for Elevators and Escalators, an American National Standard.

"ASME A17.3" means the Safety Code for Existing Elevators and Escalators, an American National Standard.

"ASME A18.1" means the Safety Standard for Platform Lifts and Stairway Chairlifts, an American National Standard.

"Automated people mover" means an installation as defined as an "automated people mover" in ASCE 21.

"Board" means the Elevator Safety Review Board.

"Certificate of operation" means a certificate issued by the Administrator that indicates that the conveyance has passed the required safety inspection and tests and fees have been paid as set forth in this Act. The Administrator may issue a temporary certificate of operation that permits the temporary use of a non-compliant conveyance by the general public for a limited time of 30 days while minor repairs are being completed.

"Conveyance" means any elevator, dumbwaiter, escalator, moving sidewalk, platform lifts, stairway chairlifts and automated people movers.

"Elevator" means an installation defined as an "elevator" in ASME A17.1.

"Elevator contractor" means any person, firm, or corporation who possesses an elevator contractor's license in accordance with the provisions of Sections 40 and 55 of this Act and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this Act.

"Elevator contractor's license" means a license issued to an elevator contractor who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing, or maintaining elevators or related conveyance covered by this Act. The Administrator may issue a limited elevator contractor's license authorizing a firm or company that employs individuals to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts and stairway chairlifts within any building or structure, excluding including but not limited to private residences.

"Elevator helper" means an individual registered with the Administrator as an elevator helper. Elevator helpers must work under the direct supervision of a licensed elevator mechanic.

"Elevator industry apprentice" means an individual who is enrolled in an apprenticeship program approved by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and who is registered by the Administrator to perform work within the elevator industry under the direct supervision of a licensed elevator mechanic.

"Elevator inspector" means any person who possesses an elevator inspector's license in accordance with the provisions of this Act ~~or any person who performs the duties and functions of an elevator inspector for~~

any unit of local government with a population greater than 500,000 prior to or on the effective date of this Act.

"Elevator mechanic" means any person who possesses an elevator mechanic's license in accordance with the provisions of Sections 40 and 45 of this Act and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this Act.

"Elevator mechanic's license" means a license issued to a person who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to work on conveyance equipment. It shall entitle the holder thereof to install, construct, alter, service, repair, test, maintain, and perform electrical work on elevators or related conveyance covered by this Act. The Administrator may issue a limited elevator mechanic's license authorizing an individual to carry on a business or erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts and stairway chairlifts within any building or structure.

"Escalator" means an installation defined as an "escalator" in ASME A17.1.

"Existing installation" means an installation defined as an "installation, existing" in ASME A17.1.

"Inspector's license" means a license issued to a person who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of inspecting elevators or related conveyance covered by this Act.

"License" means a written license, duly issued by the Administrator, authorizing a person, firm, or company to carry on the business of erecting, constructing, installing, altering, servicing, repairing, maintaining, or performing inspections of elevators or related conveyance covered by this Act.

"Material alteration" means an "alteration" as defined by the Board.

"Moving walk" means an installation as defined as a "moving walk" in ASME A17.1.

"Private residence" means a separate dwelling or a separate apartment or condominium unit in a multiple-family multiple dwelling that is occupied by members of a single-family unit.

"Repair" has the meaning defined by the Board, which does not require a permit.

"Special purpose personnel elevator" means an elevator that is limited in size, capacity, and speed and that is permanently installed in certain structures, including, but not limited to, grain elevators, radio antenna, bridge towers, underground facilities, dams, and power plants, to provide vertical transportation of authorized personnel and their tools and equipment only.

"Temporarily dormant" means an elevator, dumbwaiter, or escalator:

- (1) with a power supply that has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "off" position;
- (2) with a car that is parked and hoistway doors that are in the closed and latched position;
- (3) with a wire seal on the mainline disconnect switch installed by a licensed elevator inspector;
- (4) that shall not be used again until it has been put in safe running order and is in condition for use;
- (5) requiring annual inspections for the duration of the temporarily dormant status by a licensed elevator inspector;
- (6) that has a "temporarily dormant" status that is renewable on an annual basis, not to exceed a one-year period;
- (7) requiring the inspector to file a report with the Administrator ~~chief elevator inspector~~ describing the current conditions; and
- (8) with a wire seal and padlock that shall not be removed for any purpose without permission from the elevator inspector.

(Source: P.A. 92-873, eff. 6-1-03; revised 1-20-03.)

(225 ILCS 312/20)

(Section scheduled to be repealed on January 1, 2013)

Sec. 20. License or registration required.

(a) After July 1, 2003 through the effective date of this amendatory Act of the 94th General Assembly and after July 1, 2006, no person shall erect, construct, wire, alter, replace, maintain, remove, or dismantle any conveyance contained within buildings or structures in the jurisdiction of this State unless he or she possesses an elevator mechanic's license under this Act and unless he or she works under the direct supervision of a person, firm, or company having an elevator contractor's license in accordance with

Section 40 of this Act or exempted by that Section. However, a licensed elevator contractor is not required for removal or dismantling of conveyances that are destroyed as a result of a complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure and where no access is permitted that would endanger the safety and welfare of a person.

(b) After July 1, 2003 through the effective date of this amendatory Act of the 94th General Assembly and after July 1, 2006, no person shall inspect any conveyance within buildings or structures, including, but not limited, to private residences, unless he or she has an inspector's license.

(c) After January 1, 2006, a person who is not licensed under subsection (a) may not work in the jurisdiction of this State as an elevator industry apprentice or helper unless he or she is registered as an elevator industry apprentice or helper by the Administrator and works under the direct supervision of an individual licensed under this Act as an elevator mechanic. The Administrator shall set elevator industry apprenticeship and helper qualifications and registration procedure by rule.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/25)

(Section scheduled to be repealed on January 1, 2013)

Sec. 25. Elevator Safety Review Board.

(a) There is hereby created within the Office of the State Fire Marshal the Elevator Safety Review Board, consisting of 13 members. The Administrator shall appoint 3 members who shall be representatives of a fire service communities. The Governor shall appoint the remaining 10 members of the Board as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative of the architectural design profession; one representative of the general public; one representative of an advocacy group for people with physical disabilities ~~a municipality in this State with a population over 500,000~~; one representative of a municipality in this State with a population under 25,000; one representative of a municipality in this State with a population of 25,000 or over but under 50,000; one representative of a municipality in this State with a population of 50,000 or over but under 500,000; one representative of a building owner or manager; and one representative of labor involved in the installation, maintenance, and repair of elevators.

(b) The members constituting the Board shall be appointed for initial terms as follows:

(1) Of the members appointed by the Administrator, 2 shall serve for a term of 2 years, and one for a term of 4 years.

(2) Of the members appointed by the Governor, 2 shall serve for a term of one year, 2 for terms of 2 years, 2 for terms of 3 years, and 4 for terms of 4 years.

At the expiration of their initial terms of office, the members or their successors shall be appointed for terms of 4 years each. Upon the expiration of a member's term of office, the officer who appointed that member shall reappoint that member or appoint a successor who is a representative of the same interests with which his or her predecessor was identified. The Administrator and the Governor may at any time remove any of their respective appointees for inefficiency or neglect of duty in office. Upon the death or incapacity of a member, the officer who appointed that member shall fill the vacancy for the remainder of the vacated term by appointing a member who is a representative of the same interests with which his or her predecessor was identified. The members shall serve without salary, but shall receive from the State expenses necessarily incurred by them in performance of their duties. The Governor shall appoint one of the members to serve as chairperson. The chairperson shall be the deciding vote in the event of a tie vote.

(Source: P.A. 92-873, eff. 6-1-03; revised 1-20-03.)

(225 ILCS 312/35)

(Section scheduled to be repealed on January 1, 2013)

Sec. 35. Powers and duties of the Board.

(a) The Board shall consult with engineering authorities and organizations and adopt rules consistent with the provisions of this Act for the administration and enforcement of this Act. The Board may prescribe forms to be issued in connection with the administration and enforcement of this Act. The rules shall establish standards and criteria consistent with this Act for licensing of elevator mechanics, inspectors, and installers of elevators, including the provisions of the Safety Code for Elevators and Escalators (ASME A17.1), the Safety Code for Existing Elevators (ASME ~~A17.3~~ A18.1), the Standard for the Qualification of Elevator Inspectors (ASME QEI-1), the Automated People Mover Standards (ASCE 21), the Safety Requirements for Personnel Hoists and Employee Elevators ~~and the safety requirements for personnel hoists~~ (ANSI A10.4), and the Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1).

(b) The Board shall have the authority to grant exceptions and variances from the literal requirements of applicable State codes, standards, and regulations in cases where such variances would not jeopardize the

public safety and welfare. The Board shall have the authority to hear appeals, hold hearings, and decide upon such within 30 days of the appeal.

(c) The Board shall establish fee schedules for licenses, permits, certificates, and inspections. The fees shall be set at an amount necessary to cover the actual costs and expenses to operate the Board and to conduct the duties as described in this Act.

(d) The Board shall be authorized to recommend the amendments of applicable legislation, when appropriate, to legislators.

(e) The Administrator may solicit the advice and expert knowledge of the Board on any matter relating to the administration and enforcement of this Act.

(f) The Administrator may employ professional, technical, investigative, or clerical help, on either a full-time or part-time basis, as may be necessary for the enforcement of this Act.

(g) ~~(Blank). The Board shall not have authority within municipalities with a population over 500,000 that have a municipal code that covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevators, dumbwaiters, escalators, and moving walks.~~

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/40)

(Section scheduled to be repealed on January 1, 2013)

Sec. 40. Application for contractor's license.

(a) Any person, firm, or company wishing to engage in the business of installing, altering, repairing, servicing, replacing, or maintaining elevators, dumbwaiters, escalators, or moving walks within this State shall make application for a license with the Administrator.

(b) All applications shall contain the following information:

- (1) if the applicant is a person, the name, residence, and business address of the applicant;
- (2) if the applicant is a partnership, the name, residence, and business address of each partner;
- (3) if the applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation;
- (4) if the applicant is a corporation other than a domestic corporation, the name and address of an agent locally located who shall be authorized to accept service of process and official notices;
- (5) the number of years the applicant has engaged in the business of installing, inspecting, maintaining, or servicing elevators or platform lifts or both;
- (6) if applying for an elevator contractor's license, the approximate number of persons, if any, to be employed by the elevator contractor applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;
- (7) satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance;
- (8) any criminal record of convictions; and
- (9) any other information as the Administrator may require.

~~(c) (Blank). This Section does not apply to a person, firm, or company located in a municipality with a population over 500,000 that provides for the licensure of contractors for work performed within the corporate boundaries of a municipality with a population over 500,000.~~

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/45)

(Section scheduled to be repealed on January 1, 2013)

Sec. 45. Qualifications for elevator mechanic's license; emergency and temporary licensure.

(a) No license shall be granted to any person who has not paid the required application fee.

(b) No license shall be granted to any person who has not proven his or her qualifications and abilities.

(c) Applicants for an elevator mechanic's license must demonstrate one of the following qualifications:

(1) an acceptable combination of documented experience and education credits consisting of: (A) not less than 3 years work experience in the elevator industry, in construction, maintenance, and service or repair, as verified by current and previous employers licensed to do business in this State; and (B) satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider on the adopted rules, referenced codes, and standards for the equipment the licensee is authorized to install;

(2) acceptable proof that he or she has worked as an elevator constructor, maintenance,

or repair person for the equipment the licensee is authorized to install; acceptable proof shall consist of documentation that he or she worked without direct and immediate supervision for an elevator contractor who has worked on elevators in this State for a period of not less than 3 years immediately preceding prior to the effective date of the initial rules adopted by the Board under Section 35 of this Act that implement this Act; the person must make application by May 1, 2006 within one year of the effective date of this Act;

(3) a certificate of successful completion of the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent based on the codes applicable to the type of license (elevator mechanic's license or limited elevator mechanic's license) for which the individual is applying;

(4) a certificate of completion of an elevator mechanic apprenticeship program with standards substantially equal to those of this Act and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, or a State apprenticeship council; or

(5) a valid license from a state having standards substantially equal to those of this State.

(d) Whenever an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding licenses granted by the Board is insufficient to cope with the emergency, the licensed elevator contractor shall respond as necessary to ensure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic's license from the Administrator within 5 business days after commencing work requiring a license. The Administrator shall issue emergency elevator mechanic's licenses. The applicant shall furnish proof of competency as the Administrator may require. Each license shall recite that it is valid for a period of 30 days from the date thereof and for such particular elevators or geographical areas as the Administrator may designate and otherwise shall entitle the licensee to the rights and privileges of an elevator mechanic's license issued under this Act. The Administrator shall renew an emergency elevator mechanic's license during the existence of an emergency. No fee may be charged for any emergency elevator mechanic's license or renewal thereof.

(e) A licensed elevator contractor shall notify the Administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the Administrator issue temporary elevator mechanic's licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic's license from the Administrator and shall pay such fee as the Board shall determine. The applicant for temporary licensure shall furnish proof of competency as the Administrator may require and for such particular elevators or geographical areas as the Administrator may designate. Each license shall recite that it is valid for a period of 30 days from the date of issuance and while employed by the licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders continues.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/50)

(Section scheduled to be repealed on January 1, 2013)

Sec. 50. Qualifications for elevator inspector's license.

(a) No inspector's license shall be granted to any person who has not paid the required application fee.

(b) No inspector's license shall be granted to any person, unless he or she proves to the satisfaction of the Administrator that he or she meets the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors.

(c) (Blank). Notwithstanding the provisions of subsections (a) and (b) of this Section, the Administrator shall grant an elevator inspector's license to a person engaged in the practice of inspecting elevators in a municipality with a population over 500,000 who is engaged in business as an elevator inspector on the effective date of this Act.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/55)

(Section scheduled to be repealed on January 1, 2013)

Sec. 55. Qualifications for elevator contractor's license.

(a) No license shall be granted to any person or firm unless the appropriate application fee is paid.

(b) No license shall be granted to any person or firm who has not proven the required qualifications and abilities. An applicant must demonstrate one of the following qualifications:

(1) five years work experience in the elevator industry in construction, maintenance, and service or repair, as verified by such documentation as the Board may require by rule; ~~current and previous elevator contractor's licenses to do business, or~~

(1.5) satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider on the most recent referenced codes and standards; or

(2) proof that the individual or firm holds a valid license from a state having standards substantially equal to those of this State.

~~(c) (Blank). This Section does not apply to a person or firm engaged in business as an elevator contractor in a municipality with a population over 500,000 that provides for the licensure of elevator contractors for work performed within the corporate boundaries of a municipality with a population over 500,000.~~

~~(Source: P.A. 92-873, eff. 6-1-03.)~~

~~(225 ILCS 312/60)~~

~~(Section scheduled to be repealed on January 1, 2013)~~

~~Sec. 60. Issuance and renewal of licenses; fees.~~

(a) Upon approval of an application, the Administrator may issue a license that must be renewed every 2 years biannually. The renewal fee for the license shall be set by the Board.

~~(b) (Blank). Whenever an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding licenses granted by the Board is insufficient to cope with the emergency, the licensed elevator contractor shall respond as necessary to assure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic's license from the Administrator within 5 business days after commencing work requiring a license. The Administrator shall issue emergency elevator mechanic's licenses. The applicant shall furnish proof of competency as the Administrator may require. Each license shall recite that it is valid for a period of 30 days from the date thereof and for such particular elevators or geographical areas as the Administrator may designate and otherwise shall entitle the licensee to the rights and privileges of a elevator mechanic's license issued under this Act. The Administrator shall renew an emergency elevator mechanic's license during the existence of an emergency. No fee shall be charged for any emergency elevator mechanic's license or renewal thereof.~~

~~(c) (Blank). A licensed elevator contractor shall notify the Administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the Administrator issue temporary elevator mechanic's licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic's license from the Administrator and shall pay such fee as the Board shall determine. Each license shall recite that it is valid for a period of 30 days from the date of issuance and while employed by the licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders shall continue.~~

(d) The renewal of all licenses granted under the provisions of this Section shall be conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing provisions of the rules of the Elevator Safety Review Board. Such course shall consist of not less than 8 hours of instruction that shall be attended and completed within one year immediately preceding any such license renewal.

(e) The courses referred to in subsection (d) of this Section shall be taught by instructors through continuing education providers that may include, but shall not be limited to, association seminars and labor training programs. The Elevator Safety Review Board shall approve the continuing education providers. All instructors shall be approved by the Board and shall be exempt from the requirements of subsection (d) of this Section with regard to their applications for license renewal, provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal.

(f) A licensee who is unable to complete the continuing education course required under this Section prior to the expiration of his or her license due to a temporary disability may apply for a waiver from the Board. This shall be on a form provided by the Board, which shall be signed under the penalty of perjury and accompanied by a certified statement from a competent physician attesting to such temporary

disability. Upon the termination of such temporary disability, the licensee shall submit to the Board a certified statement from the same physician, if practicable, attesting to the termination of the temporary disability, at which time a waiver sticker, valid for 90 days, shall be issued to the licensee and affixed to his or her license.

(g) Approved training providers shall keep for a period of 10 years uniform records of attendance of licensees following a format approved by the Board. These records shall be available for inspection by the Board at its request. Approved training providers shall be responsible for the security of all attendance records and certificates of completion, provided that falsifying or knowingly allowing another to falsify attendance records or certificates of completion shall constitute grounds for suspension or revocation of the approval required under this Section.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/80)

(Section scheduled to be repealed on January 1, 2013)

Sec. 80. Registration of existing elevators, platform lifts, dumbwaiters, escalators, moving walks, and any other conveyance. Within 6 months after the date of the adoption of the initial rules that implement this Act ~~appointment of the Board~~, the owner or lessee of every existing conveyance shall register with the Administrator each elevator, dumbwaiter, platform lift, escalator, or other device described in Section 10 of this Act and provide the type, rated load and speed, name of manufacturer, its location, the purpose for which it is used, and such additional information as the Administrator may require. Elevators, dumbwaiters, platform lifts, escalators, moving walks, or other conveyances of which construction has begun subsequent to the date of the creation of the Board shall be registered at the time they are completed and placed in service.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/90)

(Section scheduled to be repealed on January 1, 2013)

Sec. 90. Permits.

(a) No conveyance covered by this Act shall be erected, constructed, installed, or altered within buildings or structures within this State unless a permit has been obtained from the Administrator or a municipality or other unit of local government. If the permit is obtained from a municipality or other unit of local government, the municipality or other unit of local government that issued the permit shall keep the permit on file for a period of not less than one year from the date of issuance and send a copy to the Administrator for inspection. Where any material alteration is made, the device shall conform to applicable requirements in ASME A17.1, ASME A18.1, ASCE 21, or ANSI A10.4. No permit required under this Section shall be issued except to a person, firm, or corporation holding a current elevator contractor's license, duly issued pursuant to this Act. A copy of the permit shall be kept at the construction site at all times while the work is in progress.

(b) The permit fee shall be as set by the Board. Permit fees collected are non-refundable.

(c) Each application for a permit shall be accompanied by applicable fees and by copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building, the location of the machinery room and the equipment to be installed, relocated, or altered, and all structural supporting members, including foundations. The applicant shall also specify all materials to be employed and all loads to be supported or conveyed. These plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

(d) Permits may be revoked for the following reasons:

(1) Any false statements or misrepresentation as to the material facts in the application, plans, or specifications on which the permit was based.

(2) The permit was issued in error and should not have been issued in accordance with the code.

(3) The work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with the code or conditions of the permit.

(4) The elevator contractor to whom the permit was issued fails or refuses to comply with a "stop work" order.

(5) If the work authorized by a permit is not commenced within 6 months after the date of issuance, or within a shorter period of time as the Administrator or his or her duly authorized representative in his or her discretion may specify at the time the permit is issued.

(6) If the work is suspended or abandoned for a period of 60 days, or shorter period of time as the Administrator or his or her duly authorized representative in his or her discretion may specify

at the time the permit is issued, after the work has been started. For good cause, the Administrator or his or her representative may allow an extension of this period at his or her discretion.

(e) ~~(Blank). This Section does not apply to conveyances located in a municipality with a population over 500,000 that provides for permits of such conveyances.~~

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/95)

(Section scheduled to be repealed on January 1, 2013)

Sec. 95. New installations; annual inspections and registrations.

(a) All new conveyance installations regulated by this Act shall be performed by a person, firm, or company to which a license to install or service conveyances has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable Sections of this Act. Prior to any conveyance being used, the property owner or lessee must obtain a certificate of operation from the Administrator ~~unless the property is located within a municipality with a population greater than 500,000~~. A fee as authorized by Section 35 of set forth in this Act shall be paid for the certificate of operation. It shall be the responsibility of the licensed elevator contractor to complete and submit first time registration for new installations. ~~The certificate of operation fee for newly installed platform lifts and stairway chair lifts for private residences shall be subsequent to an inspection by a licensed third party inspection firm.~~

(b) ~~(Blank). The certificate of operation fee for all new and existing platform and stairway chair lifts for private residences and any renewal certificate fees shall be waived. The Administrator or his or her designee shall inspect, in accordance with the requirements set forth in this Act, all newly installed and existing platform lifts and stairway chair lifts for private residences subsequent to an inspection by a person, firm, or company to which a license to inspect conveyances has been issued, unless the private residence is located within a municipality with a population greater than 500,000.~~

(c) A certificate of operation ~~referenced in subsections (a) and (b) of this Section~~ is renewable annually, ~~except for certificates issued for platform and stairway chairlifts for private residences, which shall be valid for a period of 3 years~~. Certificates of operation must be clearly displayed on or in each conveyance or in the machine room for use for the benefit of code enforcement staff.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/105)

(Section scheduled to be repealed on January 1, 2013)

Sec. 105. Enforcement.

(a) It shall be the duty of the Elevator Safety Review Board to develop an enforcement program to ensure compliance with rules and requirements referenced in this Act. This shall include, but shall not be limited to, rules for identification of property locations that are subject to the rules and requirements; issuing notifications to violating property owners or operators, random on-site inspections, policies for administrative penalties, and tests on existing installations; witnessing periodic inspections and testing in order to ensure satisfactory performance by licensed persons, firms, or companies; and assisting in development of public awareness programs.

(b) Any person may make a request for an investigation into an alleged violation of this Act by giving notice to the Administrator of such violation or danger. The notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person making the request. Upon the request of any person signing the notice, the person's name shall not appear on any copy of the notice or any record published, released, or made available.

(c) If, upon receipt of such notification, the Administrator determines that there are reasonable grounds to believe that such violation or danger exists, the Administrator shall cause to be made an investigation in accordance with the provisions of this Act as soon as practicable to determine if such violation or danger exists. If the Administrator determines that there are no reasonable grounds to believe that a violation or danger exists, he or she shall notify the party in writing of such determination.

(d) ~~(Blank). This Section does not apply within a municipality with a population over 500,000.~~

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/110)

(Section scheduled to be repealed on January 1, 2013)

Sec. 110. Liability.

(a) This Act shall not be construed to relieve or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing, or repairing any elevator or other related mechanisms covered by this Act for damages

to person or property caused by any defect therein, nor does the State or any unit of local government assume any such liability or responsibility therefore or any liability to any person for whatever reason whatsoever by the adoption of this Act or any acts or omissions arising under this Act.

(b) Any owner or lessee who violates any of the provisions of this Act shall be fined in an amount not to exceed \$1,500 per violation, per day.

(c) Compliance with this Act is not a defense to a legal proceeding.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/120)

(Section scheduled to be repealed on January 1, 2013)

Sec. 120. Inspection and testing.

(a) It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected, at intervals determined by the Board, annually by a person, firm, or company to which a license to inspect conveyances has been issued. Subsequent to inspection, the licensed person, firm, or company must supply the property owner or lessee and the Administrator with a written inspection report describing any and all violations. Property owners shall have 30 days from the date of the published inspection report to be in full compliance by correcting the violations. The Administrator shall determine whether such violations have been corrected.

~~(b) (Blank). It shall be the responsibility of the owner of all conveyances to have a firm or company licensed as described in this Act to ensure that the required inspection and test are performed at intervals in compliance with ASME A17.1, ASME A18.1, and ASCE 21.~~

(c) All tests shall be performed by a licensed elevator mechanic or licensed limited elevator mechanic who is licensed to perform work on that particular type of conveyance.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/135)

(Section scheduled to be repealed on January 1, 2013)

~~Sec. 135. Elevators in private residences. The owner of a conveyance located in his or her private residence may register, pay the required fee, and have his or her existing conveyance inspected. The Administrator may shall provide notice to the owner of a the private residence information regarding where the conveyance is located with relevant information about conveyance safety requirements, including the need to have the elevator periodically and timely inspected and made safe. Any inspection performed shall be done solely at the request and with the consent of the private residence owner. No penalty provision of this Act shall apply to private residence owners.~~

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/140)

(Section scheduled to be repealed on January 1, 2013)

Sec. 140. Local regulation; home rule.

~~(a) The Administrator may enter into contracts with municipalities or counties under which the municipalities or counties shall (i) issue construction permits and certificates of operation, (ii) provide for inspection of elevators, including temporary operation inspections, and (iii) enforce the applicable provisions of the Act. The municipality or county may choose to require inspections be performed by its own inspectors or by private certified elevator inspectors. The municipality or county may assess a reasonable fee for inspections performed by its inspectors. Each contract shall include a provision that the municipality or county shall maintain for inspection by the Administrator copies of all applications for permits issued, copies of each inspection report issued, and proper records showing the number of certificates of operation issued. Each contract shall also include a provision that each required inspection be conducted by a certified elevator inspector and any other provisions deemed necessary by the Administrator. A municipality within its corporate limits and a county within unincorporated areas within its boundaries may inspect, license, or otherwise regulate elevators and devices described in Section 10 of this Act, but any Any safety standards or regulations adopted by a municipality or county under this subsection must be at least as stringent as those provided for in this Act and the rules adopted under this Act. A municipality or county that inspects, licenses, or otherwise regulates elevators and devices described in Section 10 of this Act may impose reasonable fees to cover the cost of the inspection, licensure, or other regulation.~~

~~(b) A Except as otherwise provided in subsection (c), a home rule unit may not regulate the inspection or licensure of, or otherwise regulate, elevators and devices described in Section 10 of this Act in a manner less restrictive than the regulation by the State of those matters under this Act. This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent~~

exercise by home rule units of powers and functions exercised by the State.

(c) ~~(Blank). This Act does not limit the home rule powers of a municipality with a population over 500,000, and this Act shall not apply within such a municipality if that application would be inconsistent with an ordinance adopted under those home rule powers.~~

(Source: P.A. 92-873, eff. 6-1-03.)

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

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 1213. Having been read by title a second time on October 25, 2005, and held on the order of Second Reading, the same was again taken up.

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

AMENDMENT NO. 1. Amend Senate Bill 1213 by replacing everything after the enacting clause with the following:

"Section 5. Exchange of real estate between the State and Central Station Development Corp.

(a) The City of Chicago desires that the State of Illinois exchange certain real estate with the Central Station Development Corporation or its assigns in furtherance of the City's Near South Redevelopment Project Area, and the State has determined that the improved real estate which will be transferred to the State will be of equal or greater value than the real estate owned by the State.

(b) Central Station Development Corp. owns the following described real estate:

PARCEL 3: THAT PART OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY IN FRACTIONAL

SECTION 22, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING ON THE WESTERLY RIGHT OF WAY LINE OF SAID RAILROAD AT THE INTERSECTION OF SAID LINE WITH THE NORTHERLY LINE OF THE 23RD STREET VIADUCT, SAID NORTHERLY LINE BEING 60 FEET (MEASURED PERPENDICULARLY) NORTHERLY OF AND PARALLEL WITH THE CENTER LINE OF THE EXISTING STRUCTURE; THENCE NORTH 16°37'38" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE, 1500.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 73°22'22" EAST PARALLEL WITH SAID NORTHERLY LINE OF THE 23RD STREET VIADUCT, A DISTANCE OF 34.35 FEET; THENCE NORTHEASTERLY 119.35 FEET ALONG THE ARC OF A CIRCLE CONVEX TO THE NORTHWEST, HAVING A RADIUS OF 333.31 FEET AND WHOSE CHORD BEARS NORTH 21°58'42" EAST 118.71 FEET; THENCE NORTH 32°14'12" EAST 54.17 FEET; THENCE NORTHWESTERLY 111.71 FEET ALONG THE ARC OF A CIRCLE CONVEX TO THE EAST, HAVING A RADIUS OF 5738.60 FEET AND WHOSE CHORD BEARS NORTH 18°37'46" WEST 111.71 FEET; THENCE NORTH 19°11'14" WEST, 42.93 FEET; THENCE NORTH 90°00'00" WEST, 50.32 FEET; THENCE SOUTH 00°00'00" WEST, 176.86 FEET; THENCE NORTH 90°00'00" WEST, 46.64 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY; THENCE SOUTH 16°42'49" EAST, ALONG THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY, 76.91 FEET TO THE NORTH LINE OF VACATED EAST CULLERTON STREET; THENCE SOUTH 16°37'38" EAST, ALONG THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY, AFORESAID, 64.31 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. CONTAINING 23,621 SQUARE FEET OR 0.5423 ACRES MORE OR LESS.

(c) The State of Illinois owns the following described real estate, which is under the control of the Department of Military Affairs:

PARCEL 1: LOTS 15, 16 AND 17 AND THAT PART OF LOT 18 IN BLOCK 11 OF CULVER AND OTHERS

SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL TAKEN AS A TRACT AND BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING ON THE WESTERLY LINE OF SAID LOT 18 AT A POINT 42.01 FEET NORTH OF THE NORTH LINE OF VACATED EAST CULLERTON STREET, AS MEASURED ALONG THE EAST LINE OF SOUTH CALUMET

AVENUE; THENCE NORTH 00°04'52" WEST, ALONG THE EAST LINE OF SOUTH CALUMET AVENUE, 31.64 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°04'52" EAST, ALONG THE EAST LINE OF SOUTH CALUMET AVENUE, 175.27 FEET TO THE NORTHWEST CORNER OF LOT 15, AFORESAID; THENCE SOUTH 89°59'54" EAST, ALONG THE NORTH LINE OF LOT 15, AFORESAID, 53.61 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY; THENCE SOUTH 16°42'49" EAST, ALONG THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY, 182.99 FEET; THENCE NORTH 90°00'00" WEST, 106.49 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. CONTAINING 14,030 SQUARE FEET OR 0.3221 ACRES, MORE OR LESS.

(d) The Adjutant General, on behalf of the State of Illinois and the Department of Military Affairs, shall convey by quit claim deed all right, title, and interest of the State of Illinois and the Department of Military Affairs in and to the real estate described in subsection (c) to Central Station Development Corp. upon Central Station Development Corp. conveying by quit claim deed to the State of Illinois the fee simple title in and to the real estate described in subsection (b). This conveyance is contingent, however, on the following conditions: Central Station Development Corporation has completed all required construction of the new parking lot and driveway in accordance with drawings and specifications approved by the Department of Military Affairs; the Office of the Attorney General has approved title to the property to be conveyed to the State; Central Station Development Corporation has provided a Phase I environmental report, prepared in accordance with ASTM1527 standards, which documents that its real estate contains no environmental conditions unacceptable to the State; Central Station Development Corporation has complied with all environmental requirements of the Illinois Environmental Protection Agency concerning any construction work done on the State's parcel; Central Station Development Corporation undertakes to indemnify/hold harmless the State from and against any and all damages and liabilities, including any claims or penalties under CERCLA and RCRA, resulting from or arising out of any environmental condition existing on the State's parcel at the time of Closing or which may arise after Closing; Central Station Development Corporation has ensured the property it conveys to the State is properly zoned; and all actions required concerning the above exchange will be accomplished at no cost to the State.

(e) The Adjutant General shall obtain a certified copy of this Act from the Secretary of State within 60 days after its effective date and, upon the exchange of real estate described in this Section being made, shall cause the certified document to be recorded in the office of the Recorder of Cook County, Illinois.

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

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 1620. Having been read by title a second time on October 25, 2005, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Human Services, adopted and reproduced.

AMENDMENT NO. 1. Amend Senate Bill 1620 by replacing the title with the following:
"AN ACT concerning public aid."; and
by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.4 as follows:
(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Public Aid. The Department of Public Aid shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provide for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities, Long Term Care for Under Age 22 facilities, Skilled Nursing facilities, or Intermediate Care facilities under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually

established payment rate shall take effect on July 1 in 1984 and subsequent years. No rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2006, unless specifically provided for in this Section. The changes made by this amendatory Act of the 93rd General Assembly extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus \$1.10 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care Facilities for the Developmentally Disabled or Long Term Care for Under Age 22 facilities, the rates taking effect on January 1, 2006 shall include an increase of 3%.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus \$3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by \$4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate. The Department of Public Aid shall develop the new payment methodology to meet the unique needs of Illinois nursing home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall be provided for a period not exceeding 3 years after implementation of the new payment methodology as follows:

(A) For a facility that would receive a lower nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the payment methodology in effect on July 1, 2003 than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department. This increase terminates on July 1, 2002; beginning July 1, 2002 these rates are reduced to

the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001 shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the rates taking effect on July 1, 2004 shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect only upon approval and implementation of the payment methodologies required under Section 5A-12.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on January 1, 2005 shall be 3% more than the rates in effect on December 31, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22 years of age, the rates taking effect on July 1, 2003 shall include a statewide increase of 4%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, effective January 1, 2005, facility rates shall be increased by the difference between (i) a facility's per diem property, liability, and malpractice insurance costs as reported in the cost report filed with the Department of Public Aid and used to establish rates effective July 1, 2001 and (ii) those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations, except for adjustments required under normal auditing procedures.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Public Aid shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 93-20, eff. 6-20-03; 93-649, eff. 1-8-04; 93-659, eff. 2-3-04; 93-841, eff. 7-30-04; 93-1087, eff. 2-28-05; 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; revised 8-9-05.)

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

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

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

On motion of Representative Franks, SENATE BILL 1620 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:

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

(ROLL CALL 6)

This bill, as amended, having received the votes of three-fifths of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate thereof and ask their concurrence in the House amendment/s adopted thereto.

SENATE BILL ON SECOND READING

SENATE BILL 1843. Having been read by title a second time on May 27, 2005, and held on the order of Second Reading, the same was again taken up.

Representative Turner offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 1843 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by changing Section 30-30 as follows:

(30 ILCS 500/30-30)

Sec. 30-30. Contracts in excess of \$250,000. For building construction contracts in excess of \$250,000, separate specifications shall be prepared for all equipment, labor, and materials in connection with the following 5 subdivisions of the work to be performed:

- (1) plumbing;
- (2) heating, piping, refrigeration, and automatic temperature control systems, including the testing and balancing of those systems;
- (3) ventilating and distribution systems for conditioned air, including the testing and balancing of those systems;
- (4) electric wiring; and
- (5) general contract work.

The specifications must be so drawn as to permit separate and independent bidding upon each of the 5 subdivisions of work. All contracts awarded for any part thereof shall award the 5 subdivisions of work separately to responsible and reliable persons, firms, or corporations engaged in these classes of work. The contracts, at the discretion of the construction agency, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the construction agency before the bidding as the prime subdivision of work, provided that all payments will be made directly to the contractors for the 5 subdivisions of work upon compliance with the conditions of the contract. A contract may be let for one or more buildings in any project to the same contractor. The specifications shall require, however, that unless the buildings are identical, a separate price shall be submitted for each building. The contract may be awarded to the lowest responsible bidder for each or all of the buildings included in the specifications.

Until a date 2 years after the effective date of this amendatory Act of the 93rd General Assembly, the requirements of this Section do not apply to the construction of an Emergency Operations Center for the Illinois Emergency Management Agency if (i) the majority of the funding for the project is from federal

funds, (ii) the bid of the successful bidder identifies the name of the subcontractor, if any, and the bid proposal costs for each of the 5 subdivisions of work set forth in this Section, and (iii) the contract entered into with the successful bidder provides that no identified subcontractor may be terminated without the written consent of the Capital Development Board.

Until a date 5 years after the effective date of this amendatory Act of the 94th General Assembly, the requirements of this Section do not apply to the Capitol Building HVAC upgrade project if (i) the bid of the successful bidder identifies the name of the subcontractor, if any, and the bid proposal costs for each of the 5 subdivisions of work set forth in this Section, and (ii) the contract entered into with the successful bidder provides that no identified subcontractor may be terminated without the written consent of the Capital Development Board.

(Source: P.A. 93-1035, eff. 9-10-04.)

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

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILLS ON THIRD READING

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

On motion of Representative Jones, SENATE BILL 1213 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:

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

(ROLL CALL 7)

This bill, as amended, having received the votes of three-fifths of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate thereof and ask their concurrence in the House amendment/s adopted thereto.

On motion of Representative William Davis, SENATE BILL 204 was taken up and read by title a third time.

And the question being, "Shall this bill pass?"

Pending the vote on said bill, on motion of Representative William Davis, further consideration of SENATE BILL 204 was postponed.

RESOLUTION

Having been reported out of the Committee on Personnel and Pensions on October 25, 2005, HOUSE RESOLUTION 654 was taken up for consideration.

Representative Madigan moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

ACTION ON VETO MOTIONS

Pursuant to the Motion submitted previously, Representative Mautino moved that HOUSE BILL 1486 do pass, the Veto of the Governor notwithstanding. A three-fifths vote is required.

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

37, Yeas; 74, Nays; 5, Answering Present.

(ROLL CALL 8)

Having failed to receive the votes of three-fifths of the Members elected, the motion was declared lost.

Pursuant to the Motion submitted previously, Representative John Bradley moved that HOUSE BILL 2528 do pass, the Veto of the Governor notwithstanding. A three-fifths vote is required.

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

98, Yeas; 15, Nays; 4, Answering Present.

(ROLL CALL 9)

The Motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the veto of the Governor notwithstanding.

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

Pursuant to the Motion submitted previously, Representative Biggins moved that HOUSE BILL 2595 do pass, the Veto of the Governor notwithstanding. A three-fifths vote is required.

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

89, Yeas; 28, Nays; 0, Answering Present.

(ROLL CALL 10)

The Motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the veto of the Governor notwithstanding.

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

Pursuant to the Motion submitted previously, Representative Osmond moved that HOUSE BILL 3095 do pass, the Veto of the Governor notwithstanding. A three-fifths vote is required.

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

79, Yeas; 37, Nays; 0, Answering Present.

(ROLL CALL 11)

The Motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the veto of the Governor notwithstanding.

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

SENATE BILLS ON THIRD READING

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

On motion of Representative Saviano, SENATE BILL 331 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:

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

(ROLL CALL 12)

This bill, as amended, having received the votes of three-fifths of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate thereof and ask their concurrence in the House amendment/s adopted thereto.

On motion of Representative Turner, SENATE BILL 1843 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:

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

(ROLL CALL 13)

This bill, as amended, having received the votes of three-fifths of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate thereof and ask their concurrence in the House amendment/s adopted thereto.

ACTION ON VETO MOTIONS

Pursuant to the Motion submitted previously, Representative Jerry Mitchell moved that HOUSE BILL 29 do pass, the Governor's Specific Recommendations for Change notwithstanding. A three-fifths vote is required.

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

91, Yeas; 24, Nays; 1, Answering Present.

(ROLL CALL 14)

The motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the Governor's Specific Recommendations for Change notwithstanding.

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

Pursuant to the Motion submitted previously, Representative Churchill moved that HOUSE BILL 911 do pass, the Governor's Specific Recommendations for Change notwithstanding. A three-fifths vote is required.

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

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

(ROLL CALL 15)

The motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the Governor's Specific Recommendations for Change notwithstanding.

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

Pursuant to the Motion submitted previously, Representative Saviano moved that HOUSE BILL 2525 do pass, the Governor's Specific Recommendations for Change notwithstanding. A three-fifths vote is required.

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

72, Yeas; 43, Nays; 2, Answering Present.

(ROLL CALL 16)

The motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the Governor's Specific Recommendations for Change notwithstanding.

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

Pursuant to the Motion submitted previously, Representative Leitch moved that HOUSE BILL 3272 do pass, the Governor's Specific Recommendations for Change notwithstanding. A three-fifths vote is required.

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

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

(ROLL CALL 17)

The motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the Governor's Specific Recommendations for Change notwithstanding.

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

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 671, 672, 674, 675, 676, 677, 678, 679, 680 and 682 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 2:48 o'clock p.m., Representative Currie moved that the House do now adjourn until Thursday, October 27, 2005, at 11:00 o'clock a.m., allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

October 26, 2005

0 YEAS

0 NAYS

117 PRESENT

- | | | | |
|--------------------|---------------|-------------------|---------------|
| P Acevedo | P Delgado | P Lang | P Pritchard |
| E Bailey | P Dugan | P Leitch | P Ramey |
| P Bassi | P Dunkin | P Lindner | P Reis |
| P Beaubien | P Dunn | P Lyons, Eileen | P Reitz |
| P Beiser | P Eddy | P Lyons, Joseph | P Rita |
| P Bellock | P Feigenholtz | P Mathias | P Rose |
| P Berrios | P Flider | P Mautino | P Ryg |
| P Biggins | P Flowers | P May | P Sacia |
| P Black | P Franks | P McAuliffe | P Saviano |
| P Boland | P Fritchey | P McCarthy | P Schmitz |
| P Bost | P Froehlich | P McGuire | P Schock |
| P Bradley, John | P Giles | P McKeon | P Scully |
| P Bradley, Richard | P Gordon | P Mendoza | P Smith |
| P Brady | P Graham | P Meyer | P Sommer |
| P Brauer | P Granberg | P Miller | P Soto |
| P Brosnahan | P Hamos | P Mitchell, Bill | P Stephens |
| P Burke | P Hannig | P Mitchell, Jerry | P Sullivan |
| P Chapa LaVia | P Hassert | P Moffitt | P Tenhouse |
| P Chavez | P Hoffman | P Molaro | P Tryon |
| P Churchill | P Holbrook | P Mulligan | P Turner |
| P Collins | P Howard | P Munson | P Verschoore |
| P Colvin | P Hultgren | P Myers | P Wait |
| P Coulson | P Jakobsson | P Nekritz | P Washington |
| P Cross | P Jefferson | P Osmond | P Watson |
| P Cultra | P Jenisch | P Osterman | P Winters |
| P Currie | P Jones | P Parke | P Yarbrough |
| P D'Amico | P Joyce | P Patterson | P Younge |
| P Daniels | P Kelly | P Phelps | P Mr. Speaker |
| P Davis, Monique | P Kosel | P Pihos | |
| P Davis, William | P Krause | P Poe | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 230
 PEN CD-CHGO TCHR-MEDICARE
 THIRD READING
 PASSED
 3/5 VOTE REQUIRED

October 26, 2005

115 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Lang	Y Pritchard
E Bailey	Y Dugan	Y Leitch	Y Ramey
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Franks	Y McAuliffe	Y Saviano
Y Boland	Y Fritchey	Y McCarthy	Y Schmitz
Y Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Mitchell, Bill	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Moffitt	Y Tenhouse
Y Chavez	Y Hoffman	Y Molaro	Y Tryon
Y Churchill	Y Holbrook	Y Mulligan	Y Turner
Y Collins	Y Howard	Y Munson	Y Verschoore
A Colvin	Y Hultgren	Y Myers	Y Wait
Y Coulson	Y Jakobsson	Y Nekritz	Y Washington
Y Cross	Y Jefferson	Y Osmond	Y Watson
A Cultra	Y Jenisch	Y Osterman	Y Winters
Y Currie	Y Jones	Y Parke	Y Yarbrough
Y D'Amico	Y Joyce	Y Patterson	Y Younge
Y Daniels	Y Kelly	Y Phelps	Y Mr. Speaker
Y Davis, Monique	Y Kosel	Y Pihos	
Y Davis, William	Y Krause	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 273
 CRIMINAL LAW-TECH
 THIRD READING
 PASSED
 3/5 VOTE REQUIRED

October 26, 2005

117 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Lang	Y Pritchard
E Bailey	Y Dugan	Y Leitch	Y Ramey
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Franks	Y McAuliffe	Y Saviano
Y Boland	Y Fritchey	Y McCarthy	Y Schmitz
Y Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Mitchell, Bill	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Moffitt	Y Tenhouse
Y Chavez	Y Hoffman	Y Molaro	Y Tryon
Y Churchill	Y Holbrook	Y Mulligan	Y Turner
Y Collins	Y Howard	Y Munson	Y Verschoore
Y Colvin	Y Hultgren	Y Myers	Y Wait
Y Coulson	Y Jakobsson	Y Nekritz	Y Washington
Y Cross	Y Jefferson	Y Osmond	Y Watson
Y Cultra	Y Jenisch	Y Osterman	Y Winters
Y Currie	Y Jones	Y Parke	Y Yarbrough
Y D'Amico	Y Joyce	Y Patterson	Y Younge
Y Daniels	Y Kelly	Y Phelps	Y Mr. Speaker
Y Davis, Monique	Y Kosel	Y Pihos	
Y Davis, William	Y Krause	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 293
 SCHL CON-PROJECT LABOR AGREE
 THIRD READING
 PASSED

October 26, 2005

117 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Lang	Y Pritchard
E Bailey	Y Dugan	Y Leitch	Y Ramey
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Franks	Y McAuliffe	Y Saviano
Y Boland	Y Fritchey	Y McCarthy	Y Schmitz
Y Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Mitchell, Bill	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Moffitt	Y Tenhouse
Y Chavez	Y Hoffman	Y Molaro	Y Tryon
Y Churchill	Y Holbrook	Y Mulligan	Y Turner
Y Collins	Y Howard	Y Munson	Y Verschoore
Y Colvin	Y Hultgren	Y Myers	Y Wait
Y Coulson	Y Jakobsson	Y Nekritz	Y Washington
Y Cross	Y Jefferson	Y Osmond	Y Watson
Y Cultra	Y Jenisch	Y Osterman	Y Winters
Y Currie	Y Jones	Y Parke	Y Yarbrough
Y D'Amico	Y Joyce	Y Patterson	Y Younge
Y Daniels	Y Kelly	Y Phelps	Y Mr. Speaker
Y Davis, Monique	Y Kosel	Y Pihos	
Y Davis, William	Y Krause	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 319
 CRIM CD-ARMED HABITUAL CRIM
 THIRD READING
 PASSED
 3/5 VOTE REQUIRED

October 26, 2005

117 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Lang	Y Pritchard
E Bailey	Y Dugan	Y Leitch	Y Ramey
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Franks	Y McAuliffe	Y Saviano
Y Boland	Y Fritchey	Y McCarthy	Y Schmitz
Y Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Mitchell, Bill	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Moffitt	Y Tenhouse
Y Chavez	Y Hoffman	Y Molaro	Y Tryon
Y Churchill	Y Holbrook	Y Mulligan	Y Turner
Y Collins	Y Howard	Y Munson	Y Verschoore
Y Colvin	Y Hultgren	Y Myers	Y Wait
Y Coulson	Y Jakobsson	Y Nekritz	Y Washington
Y Cross	Y Jefferson	Y Osmond	Y Watson
Y Cultra	Y Jenisch	Y Osterman	Y Winters
Y Currie	Y Jones	Y Parke	Y Yarbrough
Y D'Amico	Y Joyce	Y Patterson	Y Younge
Y Daniels	Y Kelly	Y Phelps	Y Mr. Speaker
Y Davis, Monique	Y Kosel	Y Pihos	
Y Davis, William	Y Krause	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 1620
 NURSING HOME-OMBUDSMAN-NOTICE
 THIRD READING
 PASSED
 3/5 VOTE REQUIRED

October 26, 2005

117 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Lang	Y Pritchard
E Bailey	Y Dugan	Y Leitch	Y Ramey
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Franks	Y McAuliffe	Y Saviano
Y Boland	Y Fritchey	Y McCarthy	Y Schmitz
Y Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Mitchell, Bill	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Moffitt	Y Tenhouse
Y Chavez	Y Hoffman	Y Molaro	Y Tryon
Y Churchill	Y Holbrook	Y Mulligan	Y Turner
Y Collins	Y Howard	Y Munson	Y Verschoore
Y Colvin	Y Hultgren	Y Myers	Y Wait
Y Coulson	Y Jakobsson	Y Nekritz	Y Washington
Y Cross	Y Jefferson	Y Osmond	Y Watson
Y Cultra	Y Jenisch	Y Osterman	Y Winters
Y Currie	Y Jones	Y Parke	Y Yarbrough
Y D'Amico	Y Joyce	Y Patterson	Y Younge
Y Daniels	Y Kelly	Y Phelps	Y Mr. Speaker
Y Davis, Monique	Y Kosel	Y Pihos	
Y Davis, William	Y Krause	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 1213
 CIVIL LAW-TECH
 THIRD READING
 PASSED
 3/5 VOTE REQUIRED

October 26, 2005

115 YEAS

0 NAYS

2 PRESENT

Y Acevedo	Y Delgado	Y Lang	Y Pritchard
E Bailey	Y Dugan	Y Leitch	Y Ramey
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Franks	Y McAuliffe	Y Saviano
Y Boland	P Fritchey	Y McCarthy	Y Schmitz
Y Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Mitchell, Bill	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Moffitt	Y Tenhouse
Y Chavez	Y Hoffman	Y Molaro	Y Tryon
Y Churchill	Y Holbrook	Y Mulligan	Y Turner
Y Collins	Y Howard	Y Munson	Y Verschoore
Y Colvin	Y Hultgren	Y Myers	Y Wait
Y Coulson	Y Jakobsson	Y Nekritz	Y Washington
Y Cross	Y Jefferson	Y Osmond	Y Watson
Y Cultra	Y Jenisch	Y Osterman	Y Winters
Y Currie	Y Jones	Y Parke	Y Yarbrough
Y D'Amico	Y Joyce	Y Patterson	Y Younge
Y Daniels	Y Kelly	Y Phelps	P Mr. Speaker
Y Davis, Monique	Y Kosel	Y Pihos	
Y Davis, William	Y Krause	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 1486
 WILDLIFE CD-TRAPPING
 MOTION TO OVERRIDE TOTAL VETO
 LOST
 3/5 VOTE REQUIRED

October 26, 2005

37 YEAS

74 NAYS

5 PRESENT

N Acevedo	N Delgado	N Lang	N Pritchard
E Bailey	Y Dugan	Y Leitch	N Ramey
N Bassi	P Dunkin	N Lindner	Y Reis
N Beaubien	N Dunn	Y Lyons, Eileen	Y Reitz
N Beiser	Y Eddy	N Lyons, Joseph	Y Rita
N Bellock	N Feigenholtz	N Mathias	Y Rose
N Berrios	Y Flider	Y Mautino	N Ryg
N Biggins	N Flowers	N May	Y Sacia
N Black	N Franks	N McAuliffe	N Saviano
N Boland	N Fritchey	Y McCarthy	Y Schmitz
Y Bost	N Froehlich	N McGuire	Y Schock
Y Bradley, John	P Giles	N McKeon	N Scully
N Bradley, Richard	Y Gordon	N Mendoza	N Smith
N Brady	N Graham	N Meyer	Y Sommer
Y Brauer	Y Granberg	N Miller	N Soto
N Brosnahan	N Hamos	Y Mitchell, Bill	Y Stephens
N Burke	Y Hannig	Y Mitchell, Jerry	N Sullivan
Y Chapa LaVia	N Hassert	Y Moffitt	Y Tenhouse
N Chavez	N Hoffman	N Molaro	N Tryon
N Churchill	N Holbrook	N Mulligan	P Turner
N Collins	P Howard	N Munson	Y Verschoore
N Colvin	N Hultgren	Y Myers	Y Wait
N Coulson	N Jakobsson	N Nekritz	N Washington
N Cross	Y Jefferson	N Osmond	Y Watson
Y Cultra	N Jenisch	N Osterman	Y Winters
N Currie	P Jones	N Parke	N Yarbrough
N D'Amico	N Joyce	N Patterson	Y Younge
N Daniels	N Kelly	Y Phelps	A Mr. Speaker
N Davis, Monique	N Kosel	N Pihos	
N Davis, William	N Krause	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 2528
 FINANCE-FACILITIES CLOSURES
 MOTION TO OVERRIDE TOTAL VETO
 PREVAILED
 3/5 VOTE REQUIRED

October 26, 2005

98 YEAS

15 NAYS

4 PRESENT

Y Acevedo	N Delgado	Y Lang	Y Pritchard
E Bailey	Y Dugan	N Leitch	Y Ramey
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Franks	Y McAuliffe	Y Saviano
Y Boland	N Fritchey	Y McCarthy	Y Schmitz
Y Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	N Giles	N McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	P Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	N Miller	N Soto
Y Brosnahan	N Hamos	Y Mitchell, Bill	Y Stephens
Y Burke	N Hannig	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Moffitt	Y Tenhouse
Y Chavez	N Hoffman	N Molaro	Y Tryon
Y Churchill	Y Holbrook	Y Mulligan	Y Turner
N Collins	N Howard	Y Munson	Y Verschoore
P Colvin	Y Hultgren	Y Myers	Y Wait
Y Coulson	Y Jakobsson	N Nekritz	Y Washington
Y Cross	P Jefferson	Y Osmond	Y Watson
Y Cultra	Y Jenisch	Y Osterman	Y Winters
Y Currie	Y Jones	Y Parke	Y Yarbrough
Y D'Amico	Y Joyce	Y Patterson	Y Younge
Y Daniels	Y Kelly	Y Phelps	Y Mr. Speaker
N Davis, Monique	Y Kosel	Y Pihos	
P Davis, William	Y Krause	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 2595
 PROP TX-SPECIAL SERVICE AREAS
 MOTION TO OVERRIDE TOTAL VETO
 PREVAILED
 3/5 VOTE REQUIRED

October 26, 2005

89 YEAS

28 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Lang	Y Pritchard
E Bailey	N Dugan	Y Leitch	Y Ramey
Y Bassi	Y Dunkin	Y Lindner	N Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
N Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	N Rose
Y Berrios	N Flider	Y Mautino	N Ryg
Y Biggins	Y Flowers	N May	Y Sacia
Y Black	N Franks	Y McAuliffe	Y Saviano
N Boland	Y Fritchey	Y McCarthy	Y Schmitz
Y Bost	Y Froehlich	Y McGuire	N Schock
N Bradley, John	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	N Gordon	Y Mendoza	N Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	N Mitchell, Bill	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Jerry	Y Sullivan
N Chapa LaVia	Y Hassert	Y Moffitt	Y Tenhouse
N Chavez	Y Hoffman	Y Molaro	Y Tryon
Y Churchill	N Holbrook	Y Mulligan	Y Turner
Y Collins	N Howard	N Munson	N Verschoore
Y Colvin	Y Hultgren	Y Myers	Y Wait
N Coulson	N Jakobsson	Y Nekritz	N Washington
Y Cross	N Jefferson	Y Osmond	Y Watson
Y Cultra	Y Jenisch	Y Osterman	Y Winters
Y Currie	Y Jones	Y Parke	Y Yarbrough
N D'Amico	N Joyce	Y Patterson	Y Younge
Y Daniels	Y Kelly	N Phelps	Y Mr. Speaker
N Davis, Monique	Y Kosel	Y Pihos	
Y Davis, William	Y Krause	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3095
 EDUCATION-TECH
 MOTION TO OVERRIDE TOTAL VETO
 PREVAILED
 3/5 VOTE REQUIRED

October 26, 2005

79 YEAS

37 NAYS

0 PRESENT

N Acevedo	Y Delgado	N Lang	Y Pritchard
E Bailey	N Dugan	Y Leitch	Y Ramey
Y Bassi	Y Dunkin	Y Lindner	N Reis
Y Beaubien	N Dunn	Y Lyons, Eileen	Y Reitz
N Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	N Rose
Y Berrios	N Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	N Franks	Y McAuliffe	Y Saviano
N Boland	N Fritchey	N McCarthy	Y Schmitz
Y Bost	Y Froehlich	Y McGuire	N Schock
N Bradley, John	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	N Gordon	N Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	N Sommer
Y Brauer	N Granberg	N Miller	Y Soto
N Brosnahan	Y Hamos	N Mitchell, Bill	Y Stephens
N Burke	Y Hannig	Y Mitchell, Jerry	Y Sullivan
N Chapa LaVia	Y Hassert	Y Moffitt	N Tenhouse
N Chavez	N Hoffman	Y Molaro	N Tryon
Y Churchill	Y Holbrook	Y Mulligan	Y Turner
Y Collins	Y Howard	Y Munson	N Verschoore
Y Colvin	Y Hultgren	Y Myers	Y Wait
Y Coulson	N Jakobsson	A Nekritz	Y Washington
Y Cross	N Jefferson	Y Osmond	Y Watson
N Cultra	N Jenisch	Y Osterman	Y Winters
Y Currie	Y Jones	Y Parke	Y Yarbrough
N D'Amico	N Joyce	N Patterson	Y Younge
Y Daniels	Y Kelly	N Phelps	Y Mr. Speaker
N Davis, Monique	Y Kosel	Y Pihos	
Y Davis, William	Y Krause	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 331
 REGULATION-TECH
 THIRD READING
 PASSED
 3/5 VOTE REQUIRED

October 26, 2005

107 YEAS

10 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Lang	Y Pritchard
E Bailey	N Dugan	N Leitch	Y Ramey
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
N Black	Y Franks	Y McAuliffe	Y Saviano
N Boland	Y Fritchey	Y McCarthy	Y Schmitz
N Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	N Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Mitchell, Bill	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Moffitt	N Tenhouse
Y Chavez	Y Hoffman	Y Molaro	Y Tryon
Y Churchill	Y Holbrook	Y Mulligan	Y Turner
Y Collins	Y Howard	Y Munson	N Verschoore
Y Colvin	Y Hultgren	N Myers	Y Wait
Y Coulson	Y Jakobsson	Y Nekritz	Y Washington
Y Cross	Y Jefferson	Y Osmond	Y Watson
N Cultra	Y Jenisch	Y Osterman	Y Winters
Y Currie	Y Jones	Y Parke	Y Yarbrough
Y D'Amico	Y Joyce	Y Patterson	Y Younge
Y Daniels	Y Kelly	Y Phelps	Y Mr. Speaker
Y Davis, Monique	Y Kosel	Y Pihos	
Y Davis, William	Y Krause	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 1843
 STATE GOVERNMENT-TECH
 THIRD READING
 PASSED
 3/5 VOTE REQUIRED

October 26, 2005

113 YEAS

4 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Lang	Y Pritchard
E Bailey	Y Dugan	N Leitch	N Ramey
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Franks	Y McAuliffe	Y Saviano
Y Boland	Y Fritchey	Y McCarthy	Y Schmitz
Y Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Mitchell, Bill	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Moffitt	Y Tenhouse
Y Chavez	Y Hoffman	Y Molaro	Y Tryon
Y Churchill	Y Holbrook	Y Mulligan	Y Turner
Y Collins	Y Howard	Y Munson	Y Verschoore
Y Colvin	Y Hultgren	Y Myers	Y Wait
Y Coulson	Y Jakobsson	Y Nekritz	Y Washington
Y Cross	Y Jefferson	Y Osmond	Y Watson
N Cultra	Y Jenisch	Y Osterman	Y Winters
Y Currie	Y Jones	Y Parke	Y Yarbrough
Y D'Amico	Y Joyce	Y Patterson	Y Younge
Y Daniels	Y Kelly	Y Phelps	Y Mr. Speaker
Y Davis, Monique	Y Kosel	Y Pihos	
Y Davis, William	Y Krause	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 29
 CRIM CD-MINORS-TATTOO & PIERC
 MOTION TO OVERRIDE AMENDATORY VETO
 PREVAILED
 3/5 VOTE REQUIRED

October 26, 2005

91 YEAS

24 NAYS

1 PRESENT

Y Acevedo	Y Delgado	P Lang	A Pritchard
E Bailey	Y Dugan	Y Leitch	Y Ramey
Y Bassi	Y Dunkin	Y Lindner	N Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	N Lyons, Joseph	Y Rita
N Bellock	Y Feigenholtz	N Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Franks	Y McAuliffe	Y Saviano
Y Boland	Y Fritchey	Y McCarthy	Y Schmitz
Y Bost	N Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	N McKeon	Y Scully
N Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	N Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
N Brosnahan	Y Hamos	Y Mitchell, Bill	Y Stephens
Y Burke	N Hannig	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Moffitt	N Tenhouse
Y Chavez	N Hoffman	N Molaro	N Tryon
Y Churchill	Y Holbrook	Y Mulligan	Y Turner
Y Collins	Y Howard	N Munson	Y Verschoore
Y Colvin	Y Hultgren	Y Myers	Y Wait
Y Coulson	Y Jakobsson	Y Nekritz	Y Washington
Y Cross	N Jefferson	Y Osmond	Y Watson
N Cultra	N Jenisch	N Osterman	Y Winters
N Currie	Y Jones	Y Parke	Y Yarbrough
Y D'Amico	N Joyce	N Patterson	Y Younge
Y Daniels	Y Kelly	Y Phelps	Y Mr. Speaker
Y Davis, Monique	Y Kosel	N Pihos	
Y Davis, William	N Krause	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 911
INTERGOVT COOP-INSURANCE
MOTION TO OVERRIDE AMENDATORY VETO
PREVAILED
3/5 VOTE REQUIRED

October 26, 2005

117 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Lang	Y Pritchard
E Bailey	Y Dugan	Y Leitch	Y Ramey
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Franks	Y McAuliffe	Y Saviano
Y Boland	Y Fritchey	Y McCarthy	Y Schmitz
Y Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Mitchell, Bill	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Moffitt	Y Tenhouse
Y Chavez	Y Hoffman	Y Molaro	Y Tryon
Y Churchill	Y Holbrook	Y Mulligan	Y Turner
Y Collins	Y Howard	Y Munson	Y Verschoore
Y Colvin	Y Hultgren	Y Myers	Y Wait
Y Coulson	Y Jakobsson	Y Nekritz	Y Washington
Y Cross	Y Jefferson	Y Osmond	Y Watson
Y Cultra	Y Jenisch	Y Osterman	Y Winters
Y Currie	Y Jones	Y Parke	Y Yarbrough
Y D'Amico	Y Joyce	Y Patterson	Y Younge
Y Daniels	Y Kelly	Y Phelps	Y Mr. Speaker
Y Davis, Monique	Y Kosel	Y Pihos	
Y Davis, William	Y Krause	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 2525
 PHYS FIT SERV ACT-PERS TRAIN
 MOTION TO OVERRIDE AMENDATORY VETO
 PREVAILED
 3/5 VOTE REQUIRED

October 26, 2005

72 YEAS

43 NAYS

2 PRESENT

Y Acevedo	Y Delgado	Y Lang	N Pritchard
E Bailey	N Dugan	Y Leitch	Y Ramey
N Bassi	Y Dunkin	N Lindner	N Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
N Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	N Feigenholtz	Y Mathias	Y Rose
Y Berrios	N Flider	Y Mautino	N Ryg
Y Biggins	Y Flowers	N May	Y Sacia
Y Black	N Franks	Y McAuliffe	Y Saviano
N Boland	N Fritchey	Y McCarthy	Y Schmitz
N Bost	Y Froehlich	Y McGuire	N Schock
N Bradley, John	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	N Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	N Sommer
N Brauer	Y Granberg	N Miller	Y Soto
Y Brosnahan	N Hamos	Y Mitchell, Bill	Y Stephens
Y Burke	N Hannig	Y Mitchell, Jerry	Y Sullivan
N Chapa LaVia	Y Hassert	N Moffitt	N Tenhouse
N Chavez	Y Hoffman	Y Molaro	N Tryon
Y Churchill	Y Holbrook	Y Mulligan	Y Turner
Y Collins	Y Howard	N Munson	N Verschoore
Y Colvin	Y Hultgren	N Myers	Y Wait
N Coulson	N Jakobsson	N Nekritz	N Washington
Y Cross	N Jefferson	Y Osmond	Y Watson
N Cultra	Y Jenisch	N Osterman	Y Winters
N Currie	Y Jones	N Parke	Y Yarbrough
N D'Amico	Y Joyce	Y Patterson	Y Younge
Y Daniels	P Kelly	N Phelps	P Mr. Speaker
Y Davis, Monique	Y Kosel	Y Pihos	
Y Davis, William	N Krause	N Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3272
FINANCE-TECH
MOTION TO OVERRIDE AMENDATORY VETO
PREVAILED
3/5 VOTE REQUIRED

October 26, 2005

116 YEAS

1 NAY

0 PRESENT

Y Acevedo	Y Delgado	Y Lang	Y Pritchard
E Bailey	Y Dugan	Y Leitch	Y Ramey
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Franks	Y McAuliffe	Y Saviano
Y Boland	Y Fritchey	Y McCarthy	Y Schmitz
Y Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Mitchell, Bill	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Moffitt	Y Tenhouse
Y Chavez	Y Hoffman	Y Molaro	Y Tryon
Y Churchill	Y Holbrook	Y Mulligan	Y Turner
Y Collins	Y Howard	Y Munson	Y Verschoore
Y Colvin	Y Hultgren	Y Myers	Y Wait
Y Coulson	Y Jakobsson	Y Nekritz	Y Washington
Y Cross	Y Jefferson	Y Osmond	Y Watson
Y Cultra	Y Jenisch	Y Osterman	Y Winters
Y Currie	Y Jones	Y Parke	Y Yarbrough
Y D'Amico	Y Joyce	N Patterson	Y Younge
Y Daniels	Y Kelly	Y Phelps	Y Mr. Speaker
Y Davis, Monique	Y Kosel	Y Pihos	
Y Davis, William	Y Krause	Y Poe	

E - Denotes Excused Absence

68TH LEGISLATIVE DAY**Perfunctory Session****WEDNESDAY, OCTOBER 26, 2005**

At the hour of 7:30 o'clock p.m., the House convened perfunctory session.

INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced, read by title a first time, ordered reproduced and placed in the Committee on Rules:

HOUSE BILL 4148. Introduced by Representative Holbrook, AN ACT concerning public employee benefits.

HOUSE BILL 4149. Introduced by Representative Black, AN ACT concerning revenue.

HOUSE BILL 4150. Introduced by Representatives Joyce - Holbrook - Davis, William, Meyer and Hultgren, AN ACT concerning utilities.

HOUSE BILL 4151. Introduced by Representative Gordon, AN ACT concerning revenue.

HOUSE BILL 4152. Introduced by Representatives Chapa LaVia - Mendoza - Franks - Rose, AN ACT concerning sex offenders.

HOUSE BILL 4153. Introduced by Representative Burke, AN ACT concerning education.

HOUSE BILL 4154. Introduced by Representative Molaro, AN ACT concerning safety.

HOUSE BILL 4155. Introduced by Representative Osmond, AN ACT concerning criminal law.

HOUSE BILL 4156. Introduced by Representatives Reis - Bost - Parke - Tenhouse - Winters, Bellock, Churchill, Cultra, Eddy, Froehlich, Hannig, Joyce, Mitchell, Bill, Phelps, Poe, Pritchard, Ramey, Rose, Schmitz and Stephens, AN ACT concerning finance.

HOUSE BILL 4157. Introduced by Representatives Reis - Joyce - Pritchard - Phelps, Bellock, Brauer, Cultra, Froehlich, Mitchell, Bill, Mitchell, Jerry, Poe, Ramey, Rose and Stephens, AN ACT concerning finance.

HOUSE BILL 4158. Introduced by Representative Scully, AN ACT concerning child custody.

HOUSE BILL 4159. Introduced by Representative Osmond, AN ACT concerning transportation.

HOUSE BILL 4160. Introduced by Representative Jakobsson, AN ACT concerning public employee benefits.

HOUSE BILL 4161. Introduced by Representative Lyons, AN ACT concerning land.

SENATE BILLS ON FIRST READING

Having been reproduced, the following bills were taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 852 (Hoffman) and 1268 (Lang).

HOUSE RESOLUTION

The following resolution was offered and placed in the Committee on Rules.

HOUSE RESOLUTION 681

Offered by Representative Leitch:

WHEREAS, A recent study funded by the National Institute of Mental Health concluded that for some patients, the use of a specific drug has measurable advantages over other medications in the treatment of serious mental illnesses; and

WHEREAS, The Illinois Department of Healthcare and Family Services has implemented a policy, effective October 1, 2005, under which the Department will restrict access to certain mental illness medications to persons receiving medical assistance under the State's Medicaid program by imposing prior approval requirements on those medications; and

WHEREAS, The Department's decision to restrict access to those mental illness medications is particularly unfair because, unlike other medications that have been restricted, the decision to restrict access to certain drugs used to treat mental illness does not permit people who are currently taking a restricted medication to continue taking the medication because there is no good alternative medication; and

WHEREAS, The Department's decision to restrict access to mental health medications can result in higher costs to the State and local units of government because people get sicker after being denied medication and need additional costly services, including hospitalization; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Department of Healthcare and Family Services to reconsider its decision to restrict access to medications used for the treatment of serious mental illnesses for people on Medicaid by imposing prior approval requirements on those medications; and be it further

RESOLVED, That before additional mental illness medications are made subject to prior approval restrictions under the Medicaid program, a full and open hearing on the matter should be held involving participation by the Department of Healthcare and Family Services, the General Assembly, and advocates for individuals suffering from mental illness; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Director of Healthcare and Family Services and to the Governor.

SENATE BILLS ON SECOND READING

Having been reproduced, the following bills were taken up, read by title a second time and held on the order of Second Reading: SENATE BILLS 1124 and 1208.

HOUSE BILLS ON SECOND READING

Having been reproduced, the following bills were taken up, read by title a second time and held on the order of Second Reading: HOUSE BILLS 2108 and 2928.

At the hour of 7:38 o'clock p.m., the House Perfunctory Session adjourned.