

**STATE OF ILLINOIS**



# **HOUSE JOURNAL**

**HOUSE OF REPRESENTATIVES**

**NINETY-FOURTH GENERAL ASSEMBLY**

**98TH LEGISLATIVE DAY**

**REGULAR & PERFUNCTORY SESSION**

**THURSDAY, FEBRUARY 23, 2006**

**11:40 O'CLOCK A.M.**

**HOUSE OF REPRESENTATIVES**  
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**98th Legislative Day**

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The House met pursuant to adjournment.  
 Representative Hannig in the chair.  
 Prayer by Rabbi Daniel Moscovitz with the Lubavitch Chabad of Illinois in Chicago, IL and Reverend Jacqueline Triche Atkins with the Power Circle Congregation in Chicago, IL.  
 Representative Washington 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 Patterson was excused from attendance.

### TEMPORARY COMMITTEE ASSIGNMENTS

Representative Jones replaced Representative May in the Committee on Health Care Availability and Access on February 23, 2006.

Representative Osterman replaced Representative Brosnahan in the Committee on Judiciary I - Civil Law on February 23, 2006.

Representative Schmitz replaced Representative Sacia in the Committee on Judiciary I - Civil Law on February 23, 2006.

### REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on February 23, 2006, reported the same back with the following recommendations:

#### LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the Floor Amendment be reported "recommends be adopted":  
 Amendment No. 2 to HOUSE BILL 4333.  
 Amendment No. 2 to HOUSE BILL 4446.  
 Amendment No. 1 to HOUSE BILL 4832.  
 Amendment No. 2 to HOUSE BILL 4986.  
 Amendment No. 1 to HOUSE BILL 5245.  
 Amendment No. 1 to HOUSE BILL 5300.  
 Amendment No. 2 to HOUSE JOINT RESOLUTION 80.

#### LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Judiciary II - Criminal Law: HOUSE AMENDMENT No. 1 to HOUSE BILL 2067.

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 Hassert, Brent(R)

### REPORTS FROM STANDING COMMITTEES

Representative Hoffman, Chairperson, from the Committee on Transportation and Motor Vehicles to which the following were referred, action taken on February 23, 2006, reported the same back with the following recommendations:

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

Amendment No. 1 to HOUSE BILL 4301.

Amendment No. 3 to HOUSE BILL 4521.

That the Floor Amendment be tabled in Committee by the Sponsor:

Amendment No. 2 to HOUSE BILL 4521.

The motion on Amendment No. 2 to House Bill 4521 was adopted by a voice vote.

The committee roll call vote on Amendment No. 1 to House Bill 4301 and Amendment No. 3 to HOUSE BILL 4521 is as follows:

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

Y Hoffman, Jay(D), Chairperson	Y Beiser, Daniel(D)
Y Black, William(R)	Y Bost, Mike(R)
A Brauer, Rich(R)	A Brosnahan, James(D)
A D'Amico, John(D)	A Fritchey, John(D)
A Froehlich, Paul(R)	A Graham, Deborah(D)
Y Joyce, Kevin(D)	Y Lyons, Joseph(D)
Y Mathias, Sidney(R)	Y McAuliffe, Michael(R)
Y McCarthy, Kevin(D)	Y Mendoza, Susana(D)
A Miller, David(D), Vice-Chairperson	Y Molaro, Robert(D)
Y Nekritz, Elaine(D)	Y Poe, Raymond(R)
Y Ramey, Harry(R)	Y Soto, Cynthia(D)
A Stephens, Ron(R)	Y Tenhouse, Art(R)
Y Tryon, Michael(R)	Y Wait, Ronald(R), Republican Spokesperson
A Washington, Eddie(D)	

Representative Flowers, Chairperson, from the Committee on Health Care Availability and Access to which the following were referred, action taken on February 23, 2006, reported the same back with the following recommendations:

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

Amendment No. 1 to HOUSE BILL 4447.

The committee roll call vote on Amendment No. 1 to House Bill 4447 is as follows:

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

Y Flowers, Mary(D), Chairperson	N Osmond, JoAnn(R), Republican Spokesperson
Y Chavez, Michelle(D)	Y Dugan, Lisa(D)
Y Golar, Esther(D)	Y Howard, Constance(D)
N Krause, Carolyn(R)	N Mathias, Sidney(R)
Y Jones(D) (replacing May)	A Mulligan, Rosemary(R)
A Sommer, Keith(R)	

Representative Fritchey, Chairperson, from the Committee on Judiciary I - Civil Law to which the following were referred, action taken on February 23, 2006, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 4828.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5334.

The committee roll call vote on House Bill 4828 is as follows:

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

Y Fritchey, John(D), Chairperson	Y Bradley, John(D), Vice-Chairperson
Y Osterman(D) (replacing Brosnahan)	Y Gordon, Careen(D)
Y Hamos, Julie(D)	A Hoffman, Jay(D)
Y Hultgren, Randall(R), Republican Spokesperson	Y Lang, Lou(D)
Y Mathias, Sidney(R)	Y Nekritz, Elaine(D)
Y Osmond, JoAnn(R)	Y Rose, Chapin(R)

Y Schmitz(R) (replacing Sacia)

Y Wait,Ronald(R)

The committee roll call vote on House Bill 5334 is as follows:  
10, Yeas; 0, Nays; 0, Answering Present.

Y Fritchey,John(D), Chairperson

Y Bradley,John(D), Vice-Chairperson

Y Osterman(D) (replacing Brosnahan)

Y Gordon,Careen(D)

A Hamos,Julie(D)

A Hoffman,Jay(D)

A Hultgren,Randall(R), Republican Spokesperson

Y Lang,Lou(D)

Y Mathias,Sidney(R)

Y Nekritz,Elaine(D)

Y Osmond,JoAnn(R)

Y Rose,Chapin(R)

Y Schmitz(R) (replacing Sacia)

A Wait,Ronald(R)

Representative Giles, Chairperson, from the Committee on Elementary & Secondary Education to which the following were referred, action taken on February 23, 2006, reported the same back with the following recommendations:

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

Amendment No. 1 to HOUSE BILL 2012.

The motion on Amendment No. 1 to HOUSE BILL 2012 was adopted by a voice vote.

#### **HOME RULE NOTES SUPPLIED**

Home Rule Notes have been supplied for HOUSE BILL 4442 and 5000, as amended.

#### **STATE MANDATES FISCAL NOTES SUPPLIED**

State Mandates Fiscal Notes have been supplied for HOUSE BILLS 4079, 4442 and 5000, as amended.

#### **FISCAL NOTES SUPPLIED**

Fiscal Notes have been supplied for HOUSE BILLS 4175, as amended, 4907, 4999, 5000, as amended, and HOUSE JOINT RESOLUTION 95.

#### **CORRECTIONAL NOTE SUPPLIED**

A Correctional Note has been supplied for HOUSE BILL 5284.

#### **BALANCED BUDGET NOTE SUPPLIED**

A Balanced Budget Note has been supplied for HOUSE BILL 5578.

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

SENATE BILL NO. 2223

A bill for AN ACT concerning State government.

SENATE BILL NO. 2308  
A bill for AN ACT concerning public aid.  
SENATE BILL NO. 2340  
A bill for AN ACT concerning elections.  
SENATE BILL NO. 2363  
A bill for AN ACT concerning regulation.  
SENATE BILL NO. 2372  
A bill for AN ACT concerning regulation.  
SENATE BILL NO. 2396  
A bill for AN ACT concerning regulation.  
SENATE BILL NO. 2492  
A bill for AN ACT concerning public employee benefits.  
SENATE BILL NO. 2511  
A bill for AN ACT concerning regulation.  
SENATE BILL NO. 2554  
A bill for AN ACT concerning criminal law.  
SENATE BILL NO. 2562  
A bill for AN ACT concerning criminal law.  
SENATE BILL NO. 2655  
A bill for AN ACT concerning insurance.  
SENATE BILL NO. 2711  
A bill for AN ACT concerning the transfer of real property.  
SENATE BILL NO. 2728  
A bill for AN ACT concerning State government.  
SENATE BILL NO. 2732  
A bill for AN ACT concerning regulation.  
SENATE BILL NO. 2744  
A bill for AN ACT concerning environmental protection.  
Passed by the Senate, February 23, 2006.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 2223, 2308, 2340, 2363, 2372, 2396, 2492, 2511, 2554, 2562, 2655, 2711, 2728, 2732 and 2744 ordered reproduced and placed on the order of Senate Bills - First Reading.

#### **CHANGE OF SPONSORSHIPS**

With the consent of the affected members, Representative Hultgren was removed as principal sponsor, and Representative Bellock became the new principal sponsor of SENATE BILL 2173.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Mathias became the new principal sponsor of HOUSE BILL 5416.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Reis became the new principal sponsor of HOUSE BILL 5429.

#### **AGREED RESOLUTIONS**

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

#### **HOUSE RESOLUTION 953**

Offered by Representative Howard:



Congratulates Dicie Moore on the occasion of her retirement after 30 years of service at South Shore Hospital.

#### HOUSE RESOLUTION 954

Offered by Representative Feigenholtz:  
Mourns the death of Nathaniel B. Snow.

#### HOUSE RESOLUTION 955

Offered by Representative Saviano:  
Congratulates Shriners Hospital for Children in Chicago on the occasion of its 80th anniversary.

#### HOUSE RESOLUTION 956

Offered by Representative Saviano:  
Congratulates the St. Vincent Ferrer Parish in River Forest on the occasion of its 75th anniversary.

### RECALLS

At the request of the principal sponsor, Representative Golar, HOUSE BILL 4739 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

At the request of the principal sponsor, Representative Golar, HOUSE BILL 4740 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

At the request of the principal sponsor, Representative Monique Davis, HOUSE BILL 4544 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

### HOUSE BILLS ON THIRD READING

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

On motion of Representative Berrios, HOUSE BILL 874 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 Berrios, further consideration of HOUSE BILL 874 was postponed.

On motion of Representative Soto, HOUSE BILL 2150 was taken up and read by title a third time.  
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:  
116, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 2)

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

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

On motion of Representative Reis, HOUSE BILL 4157 was taken up and read by title a third time.  
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:  
116, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 3)

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

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

On motion of Representative Joseph Lyons, HOUSE BILL 4161 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: 80, Yeas; 35, Nays; 0, Answering Present.

(ROLL CALL 4)

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

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

### **DISTRIBUTION OF SUPPLEMENTAL CALENDAR**

Supplemental Calendar No. 1 was distributed to the Members at 12:15 o'clock p.m.

### **HOUSE BILLS ON THIRD READING**

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

On motion of Representative Burke, HOUSE BILL 4132 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: 104, Yeas; 10, Nays; 0, Answering Present.

(ROLL CALL 5)

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

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

On motion of Representative Howard, HOUSE BILL 4456 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: 113, Yeas; 0, Nays; 1, Answering Present.

(ROLL CALL 6)

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

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

On motion of Representative Joyce, HOUSE BILL 4955 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 Joyce, further consideration of HOUSE BILL 4955 was postponed.

On motion of Representative Chavez, HOUSE BILL 5375 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: 109, Yeas; 4, Nays; 0, Answering Present.

(ROLL CALL 7)

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

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

On motion of Representative Daniels, HOUSE BILL 5385 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 8)

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

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

On motion of Representative Giles, HOUSE BILL 5550 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 9)

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

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

On motion of Representative Mulligan, HOUSE BILL 4195 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 10)

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

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

On motion of Representative Graham, HOUSE BILL 4694 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 Graham, further consideration of HOUSE BILL 4694 was postponed.

### **RECALL**

At the request of the principal sponsor, Representative Golar, HOUSE BILL 4727 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

### **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 5370 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 115, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 11)

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

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

**HOUSE BILL ON THIRD READING  
CONSIDERATION POSTPONED**

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

HOUSE BILL 4955. Having been read by title a third time on February 23, 2006, and further consideration postponed, the same was again taken up.

Representative Joyce moved the passage of HOUSE BILL 4955.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

71, Yeas; 39, Nays; 5, Answering Present.

(ROLL CALL 12)

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

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

**RESOLUTIONS**

HOUSE JOINT RESOLUTION 80. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Joint Resolution 80 as follows:

on page 2, line 14, by changing "15" to "16"; and

on page 3, by replacing lines 1 through 4 with the following:

"RESOLVED, That the Committee shall study and examine issues related to prisoners sentenced to life without parole and prisoners sentenced to terms in excess of 30 years; and be it further

RESOLVED, That the Committee in its deliberations shall always give priority to public safety and the best use of State funds; and be it further".

Representative Turner offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Joint Resolution 80, AS AMENDED, by replacing the third Whereas clause with the following:

"WHEREAS, Thirty years ago only a handful of prisoners in Illinois served sentences longer than 30 years; this year approximately 4,000 Illinois prisoners have sentences of 30 years or more, including C number prisoners, amounting to about 10% of all Illinois prisoners; and"; and

in the first Resolved clause by changing "16 members" to "17 members"; and

in the first Resolved clause, in item (9), by deleting "and"; and

in the first Resolved clause, in item (10), by replacing "be it further" with the following:

"(11) One member appointed by the Director of Corrections; and be it further

RESOLVED, That the Department of Corrections shall provide staff and administrative support to the Committee; and be it further".

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

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed.

Representative Turner moved the adoption of the resolution, as amended.

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

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

(ROLL CALL 13)

The motion prevailed and the Resolution was adopted, as amended.

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

**HOUSE BILLS ON SECOND READING**

HOUSE BILL 4301. Having been reproduced, was taken up and read by title a second time. Representative Black offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 4301 on page 1, line 5, by replacing "6-206" with "6-118"; and on page 1, line 30, by replacing "90 days" each time it appears with "3 months"; and on page 2, line 4, by replacing "180 days" with "6 months"; and on page 2, by replacing lines 17 through 35 with the following:  
"(625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

Sec. 6-118. Fees.

(a) The fee for licenses and permits under this Article is as follows:

Original driver's license.....	\$10
Original or renewal driver's license issued to 18, 19 and 20 year olds.....	5
All driver's licenses for persons age 69 through age 80.....	5
All driver's licenses for persons age 81 through age 86.....	2
All driver's licenses for persons age 87 or older.....	0
Renewal driver's license (except for applicants ages 18, 19 and 20 or age 69 and older).....	10
Original instruction permit issued to persons (except those age 69 and older) who do not hold or have not previously held an Illinois instruction permit or driver's license.....	20
Instruction permit issued to any person holding an Illinois driver's license who wishes a change in classifications, other than at the time of renewal.....	5
Any instruction permit issued to a person age 69 and older.....	5
Instruction permit issued to any person, under age 69, not currently holding a valid Illinois driver's license or instruction permit but who has previously been issued either document in Illinois.....	10
Restricted driving permit.....	8
Duplicate or corrected driver's license or permit.....	5
Duplicate or corrected restricted driving permit.....	5
Original or renewal M or L endorsement.....	5

**SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE**

The fees for commercial driver licenses and permits under Article V shall be as follows:

Commercial driver's license:

- \$6 for the CDLIS/AAMVAnet Fund  
(Commercial Driver's License Information  
System/American Association of Motor Vehicle  
Administrators network Trust Fund);
- \$20 for the Motor Carrier Safety Inspection Fund;
- \$10 for the driver's license;

and \$24 for the CDL:.....	\$60
Renewal commercial driver's license:	
\$6 for the CDLIS/AAMVAnet Trust Fund;	
\$20 for the Motor Carrier Safety Inspection Fund;	
\$10 for the driver's license; and	
\$24 for the CDL:.....	\$60
Commercial driver instruction permit	
issued to any person holding a valid	
Illinois driver's license for the	
purpose of changing to a	
CDL classification: \$6 for the	
CDLIS/AAMVAnet Trust Fund;	
\$20 for the Motor Carrier	
Safety Inspection Fund; and	
\$24 for the CDL classification.....	\$50
Commercial driver instruction permit	
issued to any person holding a valid	
Illinois CDL for the purpose of	
making a change in a classification,	
endorsement or restriction.....	\$5
CDL duplicate or corrected license.....	\$5

In order to ensure the proper implementation of the Uniform Commercial Driver License Act, Article V of this Chapter, the Secretary of State is empowered to pro-rate the \$24 fee for the commercial driver's license proportionate to the expiration date of the applicant's Illinois driver's license.

The fee for any duplicate license or permit shall be waived for any person age 60 or older who presents the Secretary of State's office with a police report showing that his license or permit was stolen.

No additional fee shall be charged for a driver's license, or for a commercial driver's license, when issued to the holder of an instruction permit for the same classification or type of license who becomes eligible for such license.

(b) Any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked under Section 3-707, any provision of Chapter 6, Chapter 11, or Section 7-205, 7-303, or 7-702 of the Family Financial Responsibility Law of this Code, shall in addition to any other fees required by this Code, pay a reinstatement fee as follows:

<u>Suspension under Section 3-707</u> .....	\$100
Summary suspension under Section 11-501.1.....	\$250
Other suspension.....	\$70
Revocation.....	\$500

However, any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 and each suspension or revocation was for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 shall pay, in addition to any other fees required by this Code, a reinstatement fee as follows:

Summary suspension under Section 11-501.1.....	\$500
Revocation.....	\$500

(c) All fees collected under the provisions of this Chapter 6 shall be paid into the Road Fund in the State Treasury except as follows:

1. The following amounts shall be paid into the Driver Education Fund:
  - (A) \$16 of the \$20 fee for an original driver's instruction permit;
  - (B) \$5 of the \$10 fee for an original driver's license;
  - (C) \$5 of the \$10 fee for a 4 year renewal driver's license; and
  - (D) \$4 of the \$8 fee for a restricted driving permit.

2. \$30 of the \$250 fee for reinstatement of a license summarily suspended under Section 11-501.1 shall be deposited into the Drunk and Drugged Driving Prevention Fund. However, for a person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or Section 9-3

of the Criminal Code of 1961, \$190 of the \$500 fee for reinstatement of a license summarily suspended under Section 11-501.1, and \$190 of the \$500 fee for reinstatement of a revoked license shall be deposited into the Drunk and Drugged Driving Prevention Fund.

3. \$6 of such original or renewal fee for a commercial driver's license and \$6 of the commercial driver instruction permit fee when such permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet Trust Fund.

4. \$30 of the \$70 fee for reinstatement of a license suspended under the Family Financial Responsibility Law shall be paid into the Family Responsibility Fund.

5. The \$5 fee for each original or renewal M or L endorsement shall be deposited into the Cycle Rider Safety Training Fund.

6. \$20 of any original or renewal fee for a commercial driver's license or commercial driver instruction permit shall be paid into the Motor Carrier Safety Inspection Fund.

7. The following amounts shall be paid into the General Revenue Fund:

(A) \$190 of the \$250 reinstatement fee for a summary suspension under Section 11-501.1;

(B) \$40 of the \$70 reinstatement fee for any other suspension provided in subsection (b) of this Section; and

(C) \$440 of the \$500 reinstatement fee for a first offense revocation and \$310 of the \$500 reinstatement fee for a second or subsequent revocation.

(Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04; 93-788, eff. 1-1-05.); and

by deleting pages 3 through 11; and

on page 12, by deleting lines 1 through 13; and

on page 26, below line 1, by inserting the following:

"Section 99. Effective date. This Act takes effect July 1, 2007."

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

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

HOUSE BILL 4333. Having been recalled on February 22, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Kosel offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 4333, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, as follows:

on page 16, line 5, by changing "the a" to "the"; and

on page 17, line 9, by changing "shall" to "may"; and

on page 17, immediately below line 15, by inserting the following:

"(h) This Section does not apply to the water system of any public utility with, as of January 1, 2006, 70,000 or fewer meters unless that public utility changes ownership."

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

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

HOUSE BILL 4338. Having been read by title a second time on February 22, 2006, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Health Care Availability and Access, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 4338 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Clean Indoor Air Act is amended by changing Sections 1, 2, 3, 4, 6, 7, 8, 9, 10,

and 11 and by adding Sections 4.5, 12, and 13 as follows:

(410 ILCS 80/1) (from Ch. 111 1/2, par. 8201)

Sec. 1. Short title. This Act shall be known and may be cited as the "Illinois Clean Indoor Air Act".

(Source: P.A. 86-1018.)

(410 ILCS 80/2) (from Ch. 111 1/2, par. 8202)

Sec. 2. Legislative findings. The General Assembly finds that tobacco smoke is a harmful and dangerous carcinogen to human beings and a hazard to workers' public health. Secondhand tobacco smoke causes at least 65,000 deaths each year from heart disease and lung cancer according to the National Cancer Institute. Secondhand tobacco smoke causes heart disease, stroke, cancer, sudden infant death syndrome, low-birth-weight in infants, asthma and exacerbation of asthma, bronchitis, and pneumonia in children and adults. Secondhand tobacco smoke is the third leading cause of preventable death in the United States. Illinois workers exposed to secondhand tobacco smoke are at increased risk of premature death. An estimated 2,900 ~~4,570~~ Illinois citizens die each year from exposure to secondhand tobacco smoke. The United States Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke. The Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in business by high rates of ventilation. Air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. The American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smoke-free environments because it cannot determine a safe level of exposure to secondhand smoke, which contains cancer-causing chemicals, and ASHRAE acknowledges that technology does not exist that can remove chemicals that cause cancer from the air. A recently promulgated ASHRAE position document on secondhand smoke concludes that, at present, the only means of eliminating health risks associated with indoor exposure is to eliminate all smoking activity indoors.

(Source: P.A. 94-517, eff. 1-1-06.)

(410 ILCS 80/3) (from Ch. 111 1/2, par. 8203)

Sec. 3. Definitions. For the purposes of this Act, the following terms have the meanings ascribed to them in this Section unless different meanings are plainly indicated by the context:

(a) "Department" means the Department of Public Health.

(b) (Blank). ~~"Proprietor" means any individual or his designated agent who by virtue of his office, position, authority, or duties has legal or administrative responsibility for the use or operation of property.~~

(c) "Public place Place" means any enclosed area to which the public is invited or in which the public is permitted, including, without limitation, banks, bars, educational facilities, enclosed or semi-enclosed sports arenas, government buildings, health care facilities, laundromats, museums, public transportation facilities, reception areas, recreational areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. "Public place" includes members-only clubs or associations, indoor area used by the public or serving as a place of work including, but not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, art museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, arenas, and meeting rooms, but excluding bowling establishments and excluding places whose primary business is the sale of alcoholic beverages for consumption on the premises and excluding rooms rented for the purpose of living quarters or sleeping or housekeeping accommodations from a hotel, as defined in the Hotel Operators' Occupation Tax Act, and private, enclosed offices occupied exclusively by smokers, even though such offices may be visited by nonsmokers.

(d) "Smoking" means the act of inhaling, exhaling, burning, or carrying the smoke from or possessing a lighted cigarette, cigar, pipe, weed, hookah, or other lighted cigarette tobacco product in any manner or form or any other form of tobacco or similar substance used for smoking.

(e) "State agency" has the meaning formerly ascribed to it in subsection (a) of Section 3 of the Illinois Purchasing Act (now repealed).

(f) "Unit of local government" has the meaning ascribed to it in Section 1 of Article VII of the Illinois Constitution of 1970.

(g) "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages. "Bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

(h) "Business" means a sole proprietorship, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including (i) retail establishments where goods or services are sold; (ii)



professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and (iii) private clubs.

(i) "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit or a person who volunteers his or her services for a non-profit entity.

(j) "Employer" means a person, business, partnership, association, or corporation, including a municipal corporation, trust, or non-profit entity, that employs the services of one or more individual persons.

(k) "Enclosed area" means all space between a floor and a ceiling that is enclosed or semi-enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls with half wall partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

(l) "Enclosed or semi-enclosed sports arena" or "recreational area" means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller and ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competition or recreational activity or to witness sports, cultural, recreational, or other events.

(m) "Health care facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. "Health care facility" includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

(n) "Place of employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles.

(o) "Restaurant" means (i) an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and (ii) kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant.

(p) "Retail tobacco store" means any retail store utilized primarily for the sale of tobacco products and accessories (i) in which the sale of other products is merely incidental, (ii) that does not hold a food service establishment license or liquor license, and (iii) where no one under 18 years of age is permitted.

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

(410 ILCS 80/4) (from Ch. 111 1/2, par. 8204)

Sec. 4. Smoking in public places, places of employment, and State-owned vehicles prohibited. No person shall smoke in a public place or place of employment or within 15 feet of any entrance to a public place or place of employment. No person shall smoke in any vehicle owned, leased, or operated by the State or a political subdivision of the State, except in that portion of a public place which may be established and posted under Section 5 as a smoking area. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place. Furthermore, this prohibition shall not apply to factories, warehouses and similar places of work not usually frequented by the general public.

(Source: P.A. 86-1018.)

(410 ILCS 80/4.5 new)

Sec. 4.5. Posting of signs; removal of ashtrays.

(a) "No Smoking" signs or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this Act by the owner, operator, manager, or other person in control of that place.

(b) Each public place and place of employment where smoking is prohibited by this Act shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(c) All ashtrays shall be removed from any area where smoking is prohibited by this Act by the owner, operator, manager, or other person having control of the area.

(410 ILCS 80/6) (from Ch. 111 1/2, par. 8206)

Sec. 6. Enforcement; complaints.

(a) The Department, State certified local public health departments, and local law enforcement agencies shall enforce the provisions of this Act and may assess fines pursuant to Section 7 of this Act. ~~The State or unit of local government or school district official or their designee or a proprietor and his agents in control~~

~~of a place which includes a public place shall make reasonable efforts to prevent smoking in the public place outside established smoking areas by posting appropriate signs or contacting a law enforcement officer, or other appropriate means.~~

(b) Any person may register a complaint with the Department, a State certified local public health department, or a local law enforcement agency for a violation of this Act. The Department shall establish a telephone number that any person may call to register a complaint under this subsection (b).

(Source: P.A. 86-1018.)

(410 ILCS 80/7) (from Ch. 111 1/2, par. 8207)

Sec. 7. Violations.

(a) A person, corporation, partnership, association or other entity, who violates Section 4 of this Act shall be fined pursuant to this Section is guilty of a petty offense. Each day that a violation occurs is a separate violation.

(b) A person who smokes in an area where smoking is prohibited under Section 4 of this Act shall be fined in an amount that is not less than \$100 and not more than \$500. A person who owns, operates, or otherwise controls a public place or place of employment that violates Section 4 of this Act shall be fined (i) not more than \$250 for the first violation, (ii) not more than \$500 for the second violation within one year after the first violation, and (iii) not more than \$2,500 for each additional violation within one year after the first violation and shall receive a 60-day suspension or a revocation of any permit or license issued to the person, corporation, partnership, association, or other entity for the premises at which the violation occurred.

(c) A fine imposed under this Section shall be allocated as follows:

(1) one-half of the fine shall be distributed to the Department; and

(2) one-half of the fine shall be distributed to the enforcing agency.

(Source: P.A. 86-1018.)

(410 ILCS 80/8) (from Ch. 111 1/2, par. 8208)

Sec. 8. Injunctions. The Department, a local board of health, local law enforcement agency, or any individual personally affected by repeated violations may institute, in a circuit court, an action to enjoin violations of this Act.

(Source: P.A. 86-1018.)

(410 ILCS 80/9) (from Ch. 111 1/2, par. 8209)

Sec. 9. Discrimination prohibited. No individual may be discriminated against in any manner because of the exercise of any rights afforded by this Act.

(Source: P.A. 86-1018.)

(410 ILCS 80/10) (from Ch. 111 1/2, par. 8210)

Sec. 10. Severability. If any provision, clause or paragraph of this Act shall be held invalid by a court of competent jurisdiction, such validity shall not affect the other provisions of this Act.

(Source: P.A. 86-1018.)

(410 ILCS 80/11) (from Ch. 111 1/2, par. 8211)

Sec. 11. Local government regulation of smoking. Home rule.

(a) A Except as provided in subsection (b), a home rule unit of local government or any municipality or county in this State may regulate smoking in public places and places of employment, but that regulation must be no less restrictive than this Act. This subsection (a) is a limitation on the concurrent exercise of home rule power under subsection (i) of Section 6 of Article VII of the Illinois Constitution.

(b) (Blank) Any home rule unit that has passed an ordinance concerning the regulation of smoking prior to October 1, 1989 is exempt from the requirements of subsection (a).

(Source: P.A. 94-517, eff. 1-1-06.)

(410 ILCS 80/12 new)

Sec. 12. Exemption from Act. The following are exempt from the requirements of this Act:

(1) Municipalities with a population greater than 500,000.

(2) Private residences, except when used as a licensed childcare facility, adult care facility, health care facility, or a home-based business of any kind open to the public.

(3) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, except that not more than 25% of the rooms rented to guests in a hotel or motel may be designated as smoking rooms.

(4) Retail tobacco stores, if smoke from the retail tobacco store does not infiltrate into areas where smoking is prohibited under the provisions of this Act.

(410 ILCS 80/13 new)

Sec. 13. Rules. The Department shall adopt rules necessary for the administration of this Act.  
(410 ILCS 80/5 rep.)

Section 10. The Illinois Clean Indoor Air Act is amended by repealing Section 5.

Section 99. Effective date. This Act takes effect January 15, 2007."

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

HOUSE BILL 4446. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 4446 by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by adding Section 3-14-4.5 as follows:

(730 ILCS 5/3-14-4.5 new)

Sec. 3-14-4.5. Private half-way houses.

(a) Any person or entity other than the Department of Corrections who intends to establish a half-way house for the residence of persons on parole or mandatory release from the Department of Corrections shall, as a prerequisite to establishing the half-way house, obtain the signature from every resident at least 18 years of age who resides within 250 feet of the ingress and egress of the proposed half-way house on a form indicating the location of the proposed half-way house and acknowledging their consent to the establishment of the half-way house at the stated location. This completed form shall be filed with the State's Attorney and the sheriff of the county and the proper law enforcement agency of the municipality in which the half-way house is located.

(b) Establishing or maintaining a half-way house, other than by the Department of Corrections, without complying with this Section is a Class A misdemeanor.

(c) This Section does not apply to half-way houses in operation on the effective date of this amendatory Act of the 94th General Assembly.

(d) Not less than 15 days prior to the placement of a person in such a half-way house, the half-way house shall give written notice to the State's Attorney and the sheriff of the county and the proper law enforcement agency of the municipality in which the half-way house is located of the identity of the person to be placed in that program. This identifying information shall include, but is not limited to, the name of the individual, age, physical description, photograph, and the crime for which the person was originally sentenced to the Department of Corrections. The notice shall be given in all cases.

(e) Failure to comply with the notification requirements of subsection (d) of this Section is a petty offense for which a \$1,000 fine shall be imposed for each offense.

(f) Any half-way house, other than one established by the Department of Corrections, that fails to comply with local zoning ordinances is guilty of a petty offense and shall be fined \$1,000 for every week it is in violation, in addition to any other locally imposed fines."

Representative Howard offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4446, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by adding Section 3-14-4.5 as follows:

(730 ILCS 5/3-14-4.5 new)

Sec. 3-14-4.5. Private half-way houses.

(a) Any person or entity who intends to establish a half-way house for the residence of persons on parole or mandatory release from the Department of Corrections shall comply with all applicable local zoning laws.

(b) Establishment or maintenance of a half-way house, other than by the Department of Corrections, without complying with all applicable local zoning laws is a Class A misdemeanor for which the offender shall be fined \$1,000 for every week that the half-way house is in violation, in addition to any other locally imposed fines.

(c) Not less than 15 days prior to the placement of a person in such a half-way house, the half-way house

shall give written notice to the State's Attorney and the sheriff of the county and the proper law enforcement agency of the municipality in which the half-way house is located of the identity of the person to be placed in that program. The identifying information shall include, but not be limited to, the name of the individual, age, physical description, photograph, and the crime for which the person was originally sentenced to the Department of Corrections. The notice shall be given in all cases.

(d) Failure to comply with the notification requirements of subsection (c) is a petty offense for which a \$1,000 fine shall be imposed for each offense."

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

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

HOUSE BILL 4521. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 4521 on page 3, by replacing lines 14 through 18 with the following:

"Sec.16-104c. Court supervision fee. Any person who receives a disposition of court supervision for a violation of any provision of this Code shall pay an additional fee of \$25, to be disbursed as follows:

(1) if an officer of the Department of State Police arrested the person for the violation, the \$25 fee shall be deposited into the State Police Vehicle Fund; or

(2) if an officer of any law enforcement agency in the State other than the Department of State Police arrested the person for the violation, the \$25 fee shall be paid to the law enforcement agency that employed the arresting officer and shall be used for the acquisition or maintenance of police vehicles."; and

on page 10, by replacing lines 20 through 24 with the following:

"(1) A defendant charged with violating any provision of the Illinois Vehicle Code who receives a disposition of supervision under subsection (c) shall pay an additional fee of \$25, to be disbursed as provided in Section 16-104c of the Illinois Vehicle Code."

Floor Amendment No. 2 was tabled in the Committee on Transportation and Motor Vehicles.

Representative Sacia offered the following amendment and moved its adoption:

AMENDMENT NO. 3. Amend House Bill 4521, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 8h as follows:

(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund.

(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, the Teacher Health Insurance Security Fund, the Reviewing Court Alternative Dispute Resolution Fund, ~~or~~ the Voters' Guide Fund, the Foreign Language Interpreter Fund, the Lawyers' Assistance Program Fund, the Supreme

Court Federal Projects Fund, the Supreme Court Special State Projects Fund, ~~or~~ the Low-Level Radioactive Waste Facility Development and Operation Fund, or the Hospital Basic Services Preservation Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. No transfers may be made under this Section from the Pet Population Control Fund. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund. No amounts may be transferred under this Section from the State Police Vehicle Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(b) This Section does not apply to: (i) the Ticket For The Cure Fund; ~~(ii) or to~~ any fund established under the Community Senior Services and Resources Act; or ~~(iii) (ii)~~ on or after January 1, 2006 (the effective date of Public Act 94-511) ~~this amendatory Act of the 94th General Assembly~~, the Child Labor and Day and Temporary Labor Enforcement Fund.

(c) This Section does not apply to the Demutualization Trust Fund established under the Uniform Disposition of Unclaimed Property Act.

~~(d) (e)~~ This Section does not apply to moneys set aside in the Illinois State Podiatric Disciplinary Fund for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; revised 1-23-06.)

Section 10. The Illinois Vehicle Code is amended by adding Section 16-104c as follows:

(625 ILCS 5/16-104c new)

Sec. 16-104c. Court supervision fees.

(a) Any person who, after a court appearance in the same matter, receives a disposition of court supervision for a violation of any provision of this Code shall pay an additional fee of \$20, which shall be disbursed as follows:

(1) if an officer of the Department of State Police arrested the person for the violation, the \$20 fee shall be deposited into the State Police Vehicle Fund; or

(2) if an officer of any law enforcement agency in the State other than the Department of State Police arrested the person for the violation, the \$20 fee shall be paid to the law enforcement agency that employed the arresting officer and shall be used for the acquisition or maintenance of police vehicles.

(b) In addition to the fee provided for in subsection (a), a person who, after a court appearance in the same matter, receives a disposition of court supervision for any violation of this Code shall also pay an additional fee of \$5, which, if not waived by the court, shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court.

Section 15. The Clerks of Courts Act is amended by changing Sections 27.5 and 27.6 and adding Section 27.3d as follows:

(705 ILCS 105/27.3d new)

Sec. 27.3d. Circuit Court Clerk Operation and Administrative Fund. Each Circuit Clerk shall create a Circuit Court Clerk Operation and Administrative Fund, to be used to offset the costs incurred by the Circuit Court Clerk in performing the additional duties required to collect and disburse funds to entities of State and local government as provided by law. The Circuit Court Clerk shall be the custodian, ex officio, of this Fund and shall use the Fund to perform the duties required by the office. The Fund shall be audited by the auditor retained by the Clerk for the purpose of conducting the Annual Circuit Clerk Audit. Expenditures shall be made from the Fund by the Circuit Court Clerk for expenses related to the cost of collection for and disbursement to entities of State and local government.

(705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

Sec. 27.5. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk that equals an amount less than \$55, except restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as

provided under Section 11-501 of the Illinois Vehicle Code, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (b) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 47% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 12% shall be disbursed to the State Treasurer; and 41% shall be disbursed to the county's general corporate fund. Of the 12% disbursed to the State Treasurer, 1/6 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 1/2 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall be deposited into the Drivers Education Fund. For fiscal years 1992 and 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

- (1) 50% of the amounts collected for felony offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961;
- (2) 20% of the amounts collected for Class A and Class B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961; and
- (3) 50% of the amounts collected for Class C misdemeanors under Sections 4.01 and 7.1 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(c) Any person who receives a disposition of court supervision for a violation of the Illinois Vehicle Code shall, in addition to any other fines, fees, and court costs, pay additional fees of \$20 and \$5, to be disbursed as provided in Section 16-104c of the Illinois Vehicle Code.

(Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02; 93-800, eff. 1-1-05.)

(705 ILCS 105/27.6)

Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equalling an amount of \$55 or more, except the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 11-501 of the Illinois Vehicle Code, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (d) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited

by the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Healthcare and Family Services ~~Public Aid~~. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of \$100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of \$100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(b-1) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of \$5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of \$5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall pay an additional fee of \$100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of \$100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c-1) In addition to any other fines and court costs assessed by the courts, any person sentenced for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall pay an additional fee of \$5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of \$5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(d) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal

## Abuse Fund:

(1) 50% of the amounts collected for felony offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961;

(2) 20% of the amounts collected for Class A and Class B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961; and

(3) 50% of the amounts collected for Class C misdemeanors under Sections 4.01 and 7.1 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(e) Any person who receives a disposition of court supervision for a violation of the Illinois Vehicle Code shall, in addition to any other fines, fees, and court costs, pay additional fees of \$20 and \$5, to be disbursed as provided in Section 16-104c of the Illinois Vehicle Code.

(Source: P.A. 93-800, eff. 1-1-05; 94-556, eff. 9-11-05; revised 12-15-05.)

Section 20. The Unified Code of Corrections is amended by changing Section 5-6-1 as follows:  
(730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

Sec. 5-6-1. Sentences of Probation and of Conditional Discharge and Disposition of Supervision. The General Assembly finds that in order to protect the public, the criminal justice system must compel compliance with the conditions of probation by responding to violations with swift, certain and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of probation, conditional discharge or disposition of supervision.

(a) Except where specifically prohibited by other provisions of this Code, the court shall impose a sentence of probation or conditional discharge upon an offender unless, having regard to the nature and circumstance of the offense, and to the history, character and condition of the offender, the court is of the opinion that:

(1) his imprisonment or periodic imprisonment is necessary for the protection of the public; or

(2) probation or conditional discharge would deprecate the seriousness of the offender's conduct and would be inconsistent with the ends of justice; or

(3) a combination of imprisonment with concurrent or consecutive probation when an offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act is necessary for the protection of the public and for the rehabilitation of the offender.

The court shall impose as a condition of a sentence of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-6-4 of this Act.

(b) The court may impose a sentence of conditional discharge for an offense if the court is of the opinion that neither a sentence of imprisonment nor of periodic imprisonment nor of probation supervision is appropriate.

(b-1) Subsections (a) and (b) of this Section do not apply to a defendant charged with a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961 if the defendant within the past 12 months has been convicted of or pleaded guilty to a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961.

(c) The court may, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, defer further proceedings and the imposition of a sentence, and enter an order for supervision of the defendant, if the defendant is not charged with: (i) a Class A misdemeanor, as defined by the following provisions of the Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph (1) through (5), (8), (10), and (11) of subsection (a) of Section 24-1; (ii) a Class A misdemeanor violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or (iii) felony. If the defendant is not barred from receiving an order for supervision as provided in this subsection, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character and condition of the offender, if the court is of the opinion that:

(1) the offender is not likely to commit further crimes;

(2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and



(3) in the best interests of justice an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

(d) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance when the defendant has previously been:

- (1) convicted for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or
- (2) assigned supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or
- (3) pleaded guilty to or stipulated to the facts supporting a charge or a finding of guilty to a violation of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state, and the plea or stipulation was the result of a plea agreement.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(e) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 16A-3 of the Criminal Code of 1961 if said defendant has within the last 5 years been:

- (1) convicted for a violation of Section 16A-3 of the Criminal Code of 1961; or
- (2) assigned supervision for a violation of Section 16A-3 of the Criminal Code of 1961.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(f) The provisions of paragraph (c) shall not apply to a defendant charged with violating Sections 15-111, 15-112, 15-301, paragraph (b) of Section 6-104, Section 11-605, or Section 11-1414 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(g) Except as otherwise provided in paragraph (i) of this Section, the provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has within the last 5 years been:

- (1) convicted for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance; or
- (2) assigned supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(h) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with violating a serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code:

- (1) unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision; or
- (2) if the defendant has previously been sentenced under the provisions of paragraph (c) on or after January 1, 1998 for any serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code.

(i) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has been assigned supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(j) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the revocation or suspension was for a violation of Section 11-501 or a similar provision of a local ordinance, a violation of Section 11-501.1 or paragraph (b) of Section 11-401 of the Illinois Vehicle Code, or a violation of Section 9-3 of the Criminal Code of 1961 if the defendant has within the last 10 years been:

- (1) convicted for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance; or
- (2) assigned supervision for a violation of Section 6-303 of the Illinois Vehicle Code

or a similar provision of a local ordinance.

(k) The provisions of paragraph (c) shall not apply to a defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance that governs the movement of vehicles if, within the 12 months preceding the date of the defendant's arrest, the defendant has been assigned court supervision on 2 occasions for a violation that governs the movement of vehicles under the Illinois Vehicle Code or a similar provision of a local ordinance.

(l) A defendant charged with violating any provision of the Illinois Vehicle Code who, after a court appearance in the same matter, receives a disposition of supervision under subsection (c) shall pay additional fees of \$20 and \$5, to be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act and to be disbursed as provided in Section 27.3d of the Clerks of Courts Act and Section 16-104c of the Illinois Vehicle Code.

(Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05; 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06; revised 8-19-05.)"

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

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

HOUSE BILL 4534. Having been reproduced, was taken up and read by title a second time.

Committee Amendment No. 1 was Tabled in the Committee on Human Services.

There being no further amendments, the bill was advanced to the order of Third Reading.

HOUSE BILL 4832. Having been reproduced, was taken up and read by title a second time.

Representative Flider offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 4832 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Community Service Education Act.

Section 5. Policy. Community service education programs educate students about the value of civic involvement through actual school-sponsored involvement in their communities. Students, citizens, civic groups, businesses, and community organizations benefit from community service education programs by developing strong partnerships that enhance the value of schools and quality of life in communities. Community service education programs build stronger schools, stronger communities, and a positive environment.

In many communities, the school district is the economic engine that provides jobs, economic stability, and prosperity. Community service education programs enable more school districts and communities to prosper economically while promoting good citizenship. School districts that offer community service education programs enjoy a significant return on their investment. Hence, the policy of the State of Illinois is to support such programs by providing incentives to encourage school districts to offer community service education programs.

Section 10. Community Service Education Program. There is created the Community Service Education Program, administered by the State Board of Education, in cooperation with school districts. Participation in this program is voluntary. The following items may serve as best practices to be considered by school districts opting to implement the program under Section 25 of this Act:

(1) The program contains provisions and standards conducive to the establishment of community, business, and education partnerships that give use to lasting relationships between school districts and partners that are mutually beneficial.

(2) The program provides greater community access to school facilities and programs to promote increased achievement by children.

(3) The program makes school facilities available for citizen use.

(4) The program organizes local residents to assess local conditions, set priorities, identify program needs, and participate in program planning and development.

- (5) The program identifies and utilizes resources within the community or those that impact on the community.
- (6) The program assists in the initiation of new and improved programs in an effort to improve opportunities for all residents of the community.
- (7) The program provides effective youth training programs and employment counseling in schools, as well as paid work experience linking the schools with the private sector.
- (8) The program provides student involvement in community service learning activities, organizations, and intergenerational programs.
- (9) The program provides volunteer programs to bring parents, business personnel, community agency representatives, retirees, and other students into the classroom as participants in the teaching of students.
- (10) The program provides supplemental or additional programs for junior high school and high school age youth that may consist of enrichment, individual, and supplemental activities, as well as recreational, cultural, and vocational programs.
- (11) The program provides programs to meet the individual needs of all people who reside in the school district being served.

Nothing set forth in items (7) through (11) shall be constituted as either requiring or permitting the Community Service Education Program to have any program or programs serving the same purpose or purposes as those elsewhere specifically provided for in the School Code.

The Community Service Education Program shall avoid duplication of existing programs operated by other entities in whole or in part within a school district. The Community Service Education Program shall provide for the involvement of the residents of a school district in ascertaining the identity of local problems and in ascertaining the community resources available for dealing with these problems.

Section 25. Establishment of community service education program by school district. A school district may establish and operate a community service education program that qualifies for a grant under Section 92 of this Act by complying with the provisions of this Act and any rules adopted by the State Board of Education under Section 500 of this Act.

Section 60. Local input. Each school board that establishes a community service education program under Section 25 of this Act shall establish a process to obtain input into the development and operation of its community service education program by members who represent various service organizations, churches, public schools, units of local government, businesses and professions, public and private agencies serving youth, families, or senior citizens, municipal governments, townships, libraries, park, recreation, or forest preserve districts located in whole or in part within the school district, and any other group or groups participating in the school district's community service education program.

Section 65. Director of Community Service Education. Each school district maintaining a community service education program established under Section 25 of this Act shall employ or appoint a Director of Community Service Education. The Director shall be responsible for all aspects of the school district's community service education program. An individual employed solely as a Director of Community Service Education need not hold a teaching or administrative certificate from the State of Illinois.

Section 75. Non-duplication of programs. A school district that establishes a community service education program under Section 25 of this Act must strive to ensure that its community service education program does not duplicate services offered by other entities or school programs.

Section 80. Community service education consortiums. Any school district that opts to conduct a community service education program pursuant to the provisions of this Act may enter into an agreement with other school districts to form a consortium for the purpose of offering a consolidated community service education program.

Section 85. Partnership agreements. A school district community service education program established under Section 25 of this Act shall have the power to enter into agreements with any other public or private entity or entities for the furnishing of any component of its community service education program. These agreements may provide for payments from the school district's community service education fund to other entities as contributions to the expenses of the program or programs covered by these agreements.

Section 90. Funding. A school district maintaining a community service education program established under Section 25 of this Act is authorized to receive money from the State, as grants that are subject to appropriation, and other public and private sources for the support of its program or any component thereof and to expend this money pursuant to the provisions of this Act, subject to the terms and conditions under which the money is received. A not-for-profit organization may be established in support of the program, in accordance with the General Not For Profit Corporation Act of 1986, and may seek tax exemption for the

organization from the Internal Revenue Service and the Department of Revenue. Subject to guidelines approved by the school board, the school district is also authorized to charge and collect fees from persons voluntarily participating in a specific community service education program. The school board shall also have the authority to designate funds to be used for community service education purposes.

Section 92. Grants.

Subject to the availability of funds for the specific purpose of making grants for community service education, the State Board of Education is authorized to make grants to school districts operating community service education programs that meet the standards set forth in this Act and any rules adopted by the State Board of Education.

Section 500. Rules. The State Board of Education may adopt any rules that are necessary to implement and administer this Act.

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

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

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

HOUSE BILL 4845. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 4845 as follows:  
on page 1, line 5, by changing "Sections 16-70 and 23-10" to "Section 16-70"; and  
on page 2, by deleting lines 5 through 35; and  
by deleting page 3.

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

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 4977.

HOUSE BILL 4986. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 4986 on page 3, line 28, after "treated", by inserting "solely".

Representative Moffitt offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4986 on page 3, line 20, by replacing "eligible" with "approved"; and  
on page 3, immediately below line 32, by inserting the following:

"(f) Nothing in this Section may prevent those secondary agricultural education programs that are in operation before the effective date of this amendatory Act of the 94th General Assembly and that do not have an active State and nationally affiliated FFA chapter from continuing to operate or from continuing to receive funding from the State Board of Education."

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

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

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 5220.

HOUSE BILL 5245. Having been recalled on February 22, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Brauer offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 5245 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-342 as follows:

(20 ILCS 2310/2310-342 new)

Sec. 2310-342. Umbilical cord blood donations. Subject to appropriations for that purpose, the Department of Public Health shall, by January 1, 2007, prepare and distribute to health and maternal care providers written publications that include the following information:

(1) The medical processes involved in the collection of umbilical cord blood.

(2) The medical risks to a mother and her newborn child of umbilical cord blood collection.

(3) The current and potential future medical uses and benefits of umbilical cord blood collection to a mother, her newborn child, and her biological family.

(4) The current and potential future medical uses and benefits of umbilical cord blood collection to persons who are not biologically related to a mother or her newborn child.

(5) Any costs that may be incurred by a pregnant woman who chooses to make an umbilical cord blood donation.

(6) Options for ownership and future use of the donated material.

(7) The availability in Illinois of umbilical cord blood donations.

Section 10. The Hospital Licensing Act is amended by changing Section 6.21 as follows:

(210 ILCS 85/6.21)

Sec. 6.21. Umbilical cord blood donation.

(a) All licensed hospitals shall offer a pregnant patient the option to donate, to a publicly accessible certified cord blood bank, blood extracted from the umbilical cord following the delivery of a newborn child if the donation can be made at no expense to the patient or hospital for collection or storage.

(b) Nothing in this Section obligates a hospital to collect umbilical cord blood if, in the professional judgment of a physician licensed to practice medicine in all its branches or a nurse, the collection would threaten the health of the mother or child.

(c) Nothing in this Section imposes a requirement upon any hospital employee, physician, nurse, or hospital that is directly affiliated with a bona fide religious denomination that includes as an integral part of its beliefs and practices the tenet that blood transfer is contrary to the moral principles the denomination considers to be an essential part of its beliefs.

(d) Subject to appropriations for that purpose, the Department of Public Health shall make the maximization of umbilical cord blood donations a public health goal. All licensed hospitals and birthing centers shall cooperate with the Department of Public Health in implementing this goal of increasing donations of umbilical cord blood.

(Source: P.A. 93-143, eff. 1-1-04.)

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

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

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

HOUSE BILL 5256. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 5256 on page 5, line 23, by inserting after "utility" the following:

" an employee of an electric cooperative as defined in Section 3-119 of the Public Utilities Act, an independent contractor or an employee of an independent contractor working on behalf of a public utility, municipally owned utility, or an electric cooperative, or an employee of a telecommunications carrier as defined in Section 13-202 of the Public Utilities Act, an independent contractor or an employee of an independent contractor working on behalf of a telecommunications carrier, or an employee of a telephone or telecommunications cooperative as defined in Section 13-212 of the Public Utilities Act, or an independent contractor or an employee of an independent contractor working on behalf of a telephone or telecommunications cooperative"; and

on page 9, line 9, by inserting after "utility" the following:

" an employee of an electric cooperative as defined in Section 3-119 of the Public Utilities Act, an independent contractor or an employee of an independent contractor working on behalf of a public utility, municipally owned utility, or an electric cooperative, or an employee of a telecommunications carrier as defined in Section 13-202 of the Public Utilities Act, an independent contractor or an employee of an independent contractor working on behalf of a telecommunications carrier, or an employee of a telephone or telecommunications cooperative as defined in Section 13-212 of the Public Utilities Act, or an independent contractor or an employee of an independent contractor working on behalf of a telephone or telecommunications cooperative".

Floor Amendments Numbered 2 and 3 remained in the Committee on Rules.

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

#### **RECALL**

At the request of the principal sponsor, Representative Soto, HOUSE BILL 5256 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

#### **HOUSE BILLS ON SECOND READING**

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 5257.

HOUSE BILL 5300. Having been reproduced, was taken up and read by title a second time. Representative Mulligan offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 5300 by replacing everything after the enacting clause with the following:

"Section 5. The Sexual Assault Survivors Emergency Treatment Act is amended by changing Sections 2 and 2.1 and by adding Section 8.5 as follows:

(410 ILCS 70/2) (from Ch. 111 1/2, par. 87-2)

Sec. 2. Hospitals to furnish emergency service. Every hospital required to be licensed by the Department of Public Health pursuant to the Hospital Licensing Act, approved July 1, 1953, as now or hereafter amended, which provides general medical and surgical hospital services shall provide emergency hospital service, in accordance with rules and regulations adopted by the Department of Public Health, to all alleged sexual assault survivors who apply for such hospital emergency services in relation to injuries or trauma resulting from the sexual assault.

In addition every such hospital, regardless of whether or not a request is made for reimbursement, except hospitals participating in community or area wide plans in compliance with Section 4 of this Act, shall submit to the Department of Public Health a plan to provide hospital emergency services to alleged sexual assault survivors which shall be made available by such hospital. Such plan shall be submitted within 60 days of receipt of the Department's request for this plan, to the Department of Public Health for approval

prior to such plan becoming effective. The Department of Public Health shall approve such plan for emergency service to alleged sexual assault survivors if it finds that the implementation of the proposed plan would provide adequate hospital emergency service for alleged sexual assault survivors and provide sufficient protections from the risk of pregnancy by sexual assault survivors.

The Department of Public Health shall periodically conduct on site reviews of such approved plans with hospital personnel to insure that the established procedures are being followed.

On January 1, 2007 and each January 1 thereafter, the Department shall submit a report to the General Assembly containing information on the hospitals in this State that have submitted a plan to provide hospital emergency services to sexual assault survivors. The Department shall post on its Internet website the report required in this Section. The report shall include all of the following:

(1) A list of all hospitals that have submitted a plan.

(2) A list of hospitals whose plans have been found by the Department to be in compliance with this Act.

(3) A list of hospitals that have failed to submit an acceptable Plan of Correction within the time required by Section 2.1 of this Act.

(4) A list of hospitals at which the periodic site review required by this Act has been conducted.

When a hospital listed as noncompliant under item (3) of this Section submits and implements the required Plan of Correction, the Department shall immediately update the report on its Internet website to reflect that hospital's compliance.

(Source: P.A. 92-156, eff. 1-1-02.)

(410 ILCS 70/2.1) (from Ch. 111 1/2, par. 87-2.1)

Sec. 2.1. Plans of correction - Penalties for failure to implement such plans. If the Department of Public Health surveyor determines that the hospital is not in compliance with its approved plan, the surveyor shall provide the hospital with a written list of the specific items of noncompliance within 2 weeks of the conclusion of the on site review. The hospital shall have 14 working days to submit to the Department of Public Health a plan of correction which contains the hospital's specific proposals for correcting the items of noncompliance. The Department of Public Health shall review the plan of correction and notify the hospital in writing as to whether the plan is acceptable or nonacceptable.

If the Department of Public Health finds the Plan of Correction nonacceptable, the hospital shall have 7 working days to resubmit an acceptable Plan of Correction. Upon notification that its Plan of Correction is acceptable, a hospital shall implement the Plan of Correction within 60 days.

The failure to submit an acceptable Plan of Correction or to implement the Plan of Correction, within the time frames required in this Section, will subject a hospital to the imposition of a fine by the Department of Public Health. The Department of Public Health may impose a fine of up to ~~\$500~~ ~~\$100.00~~ per day until a hospital complies with the requirements of this Section.

Before imposing a fine pursuant to this Section, the Department of Public Health shall provide the hospital via certified mail with written notice and an opportunity for an administrative hearing. Such hearing must be requested within 10 working days of receipt of the Department of Public Health's Notice. All hearings shall be conducted in accordance with the Department of Public Health's rules in administrative hearings.

(Source: P.A. 90-587, eff. 7-1-98.)

(410 ILCS 70/8.5 new)

Sec. 8.5. Complaints. The Department shall implement a complaint system through which the Department may receive complaints of violations of this Act. The Department may use an existing complaint system to fulfill the requirements of this Section.

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

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

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

HOUSE BILL 5386. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Developmental Disabilities and Mental Illness, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5386 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Section 5-5e as follows:

(305 ILCS 5/5-5e new)

Sec. 5-5e. Waiver for home and community-based services for children with developmental disabilities or autism spectrum disorder. The Department of Healthcare and Family Services shall apply for a waiver or waivers from the United States Centers for Medicare and Medicaid Services pursuant to Section 1915(c) of the Social Security Act no later than June 1, 2006, or as soon thereafter as practicable, to allow payment for in-home and community-based treatment, therapies, training including parent training, and other necessary aids and services for children from the age of 3 up to the age of 21 who are diagnosed with a developmental disability or autism spectrum disorder, including those children whose families would not otherwise qualify for medical assistance under this Article due to family income or assets. The application or applications shall request an implementation date of January 1, 2007, or as soon thereafter as may be approved by the United States Centers for Medicare and Medicaid Services, and shall provide for: (i) a minimum of 800 children in the first year of implementation, of which no fewer than 500 shall be children with autism spectrum disorder; (ii) a minimum of 1,750 children in the second year of implementation, of which no fewer than 1,000 shall be children with autism spectrum disorder; and (iii) a minimum of 3,350 in the third and subsequent years of implementation, of which 2,000 shall be children with autism spectrum disorder.

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

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

HOUSE BILL 5462. Having been reproduced, was taken up and read by title a second time.

Floor Amendment No. 1 remained in the Committee on Judiciary II - Criminal Law.

There being no further amendments, the bill was held on the order of Second Reading.

### RECALL

At the request of the principal sponsor, Representative Washington, HOUSE BILL 4948 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

### RESOLUTIONS

Having been reported out of the Committee on Transportation and Motor Vehicles on February 14, 2006, HOUSE JOINT RESOLUTION 66 was taken up for consideration.

Representative Dugan moved the adoption of the resolution.

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

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

(ROLL CALL 14)

The motion prevailed and the Resolution was adopted.

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

Having been reported out of the Committee on Human Services on February 8, 2006, HOUSE JOINT RESOLUTION 77 was taken up for consideration.

Representative Fritchey moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

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



Having been reported out of the Committee on State Government Administration on February 15, 2006, HOUSE JOINT RESOLUTION 88 was taken up for consideration.

Representative Currie moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

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

Having been reported out of the Committee on Revenue on February 1, 2006, HOUSE RESOLUTION 760 was taken up for consideration.

Representative Boland moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on Elementary and Secondary Education on February 15, 2006, HOUSE RESOLUTION 770 was taken up for consideration.

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

AMENDMENT NO. 1. Amend House Resolution 770 by replacing lines 2 through 28 on page one and all of page 2 with the following:

"WHEREAS, It is the tendency of many schools across the State to separate twins, triplets, or other multiple siblings into different classrooms upon entering the school system; and

WHEREAS, The separation of multiples when entering the school environment can be detrimental to the support system between multiples; and

WHEREAS, Each multiple is an individual; therefore, separation in school is not necessary to develop their individuality; and

WHEREAS, Separation of multiples in school can cause hardship to the parents who have to deal with different class schedules and activities; and

WHEREAS, The fact that the policy of separating multiples has been followed by many schools does not mean that it is the better or the correct policy; and

WHEREAS, Each set of multiples is different; while some multiples will do better when placed together, others do better when separated; therefore, placement of multiples should be determined on a case-by-case basis with priority given to the preference of the parents; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recommend that all school districts in the State develop a policy concerning the separation of multiples that considers each set of multiples on a case-by-case basis and takes into consideration the preference of the parents and the best interest of the children; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the State Board of Education and the State Superintendent of Education for distribution to each school district in the State."

Representative Froehlich then moved the adoption of the resolution, as amended.

The motion prevailed and the Resolution was adopted, as amended.

Having been reported out of the Committee on State Government Administration on February 15, 2006, HOUSE RESOLUTION 779 was taken up for consideration.

Representative Washington moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on Elections & Campaign Reform on February 1, 2006, HOUSE RESOLUTION 801 was taken up for consideration.

The following amendment was offered in the Committee on Elections and Campaign Reform, adopted and reproduced:

AMENDMENT NO. 1. Amend House Resolution 801 as follows:

on page 1, line 14, by deleting "African-Americans"; and  
on page 1, line 16, by replacing "African Americans" with "African-Americans, Latinos, and other minorities"; and  
on page 1, by replacing lines 27 through 31 with the following:  
"it bans literacy tests and other discriminatory devices, outlaws discriminatory practices and procedures during the voting process, authorizes the appointment of federal election monitors and observers, and creates various means for protecting and enforcing the rights of American citizens, including racial and language minorities, to vote; and"; and  
on page 3, line 6, by replacing "During" with "Voting is the cornerstone of American democracy and, during"; and  
on page 3, line 20, by replacing "the NAACP to ensure" with "all organizations dedicated to ensuring".

Representative Colvin then moved the adoption of the resolution, as amended.  
The motion prevailed and the Resolution was adopted, as amended

Having been reported out of the Committee on Health Care Availability and Access on January 31, 2006, HOUSE RESOLUTION 813 was taken up for consideration.  
Representative Miller moved the adoption of the resolution.  
The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on Environment & Energy on February 8, 2006, HOUSE RESOLUTION 814 was taken up for consideration.  
Representative May moved the adoption of the resolution.  
The motion prevailed and the Resolution was adopted.

### **HOUSE BILLS ON SECOND READING**

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: HOUSE BILL 4828.

HOUSE BILL 5334. Having been reproduced, was taken up and read by title a second time.  
The following amendment was offered in the Committee on Judiciary I - Civil Law, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5334 on page 1, line 11, by replacing the period with the following:  
"within the Department of Revenue. The Department of Revenue shall provide administrative and financial support to the Council."

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

HOUSE BILL 4298. Having been recalled on February 16, 2006, and held on the order of Second Reading, the same was again taken up.  
Representative Verschoore offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 4298, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 2, by replacing line 31 with the following:  
"(f) The Illinois Department of Corrections shall provide staff and administrative support services to the Task Force.  
(g) The Task Force shall report its findings and".

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

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

HOUSE BILL 5349. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 5349 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.17 and by adding Section 4.27 as follows:

(5 ILCS 80/4.17)

Sec. 4.17. Acts repealed on January 1, 2007. The following are repealed on January 1, 2007:

The Boiler and Pressure Vessel Repairer Regulation Act.

The Structural Pest Control Act.

~~Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB, VIIC, XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.~~

The Clinical Psychologist Licensing Act.

The Illinois Optometric Practice Act of 1987.

The Medical Practice Act of 1987.

The Environmental Health Practitioner Licensing Act.

(Source: P.A. 92-837, eff. 8-22-02.)

(5 ILCS 80/4.27 new)

Sec. 4.27. Act repealed on January 1, 2017. The following are repealed on January 1, 2017:

Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB, VIIC, XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

Section 10. The Illinois Insurance Code is amended by adding Section 368f as follows:

(215 ILCS 5/368f new)

Sec. 368f. Military service member insurance reinstatement.

(a) No Illinois resident activated for military service and no spouse or dependent of the resident who becomes eligible for a federal government-sponsored health insurance program, including the TriCare program providing coverage for civilian dependents of military personnel, as a result of the activation shall be denied reinstatement into the same individual health insurance coverage with the health insurer that the resident lapsed as a result of activation or becoming covered by the federal government-sponsored health insurance program. The resident shall have the right to reinstatement in the same individual health insurance coverage without medical underwriting, subject to payment of the current premium charged to other persons of the same age and gender that are covered under the same individual health coverage. Except in the case of birth or adoption that occurs during the period of activation, reinstatement must be into the same coverage type as the resident held prior to lapsing the individual health insurance coverage and at the same or, at the option of the resident, higher deductible level. The reinstatement rights provided under this subsection (a) are not available to a resident or dependents if the activated person is discharged from the military under other than honorable conditions.

(b) The health insurer with which the reinstatement is being requested must receive a request for reinstatement no later than 63 days following the later of (i) deactivation or (ii) loss of coverage under the federal government-sponsored health insurance program. The health insurer may request proof of loss of coverage and the timing of the loss of coverage of the government-sponsored coverage in order to determine eligibility for reinstatement into the individual coverage. The effective date of the reinstatement of individual health coverage shall be the first of the month following receipt of the notice requesting reinstatement.

(c) All insurers must provide written notice to the policyholder of individual health coverage of the rights described in subsection (a) of this Section. In lieu of the inclusion of the notice in the individual health insurance policy, an insurance company may satisfy the notification requirement by providing a single written notice:

(1) in conjunction with the enrollment process for a policyholder initially enrolling in the individual

coverage on or after the effective date of this amendatory Act of the 94th General Assembly; or

(2) by mailing written notice to policyholders whose coverage was effective prior to the effective date of this amendatory Act of the 94th General Assembly no later than 90 days following the effective date of this amendatory Act of the 94th General Assembly.

(d) The provisions of subsection (a) of this Section do not apply to any policy or certificate providing coverage for any specified disease, specified accident or accident-only coverage, credit, dental, disability income, hospital indemnity, long-term care, Medicare supplement, vision care, or short-term nonrenewable health policy or other limited-benefit supplemental insurance, or any coverage issued as a supplement to any liability insurance, workers' compensation or similar insurance, or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket, or individual basis.

(e) Nothing in this Section shall require an insurer to reinstate the resident if the insurer requires residency in an enrollment area and those residency requirements are not met after deactivation or loss of coverage under the government-sponsored health insurance program.

(f) All terms, conditions, and limitations of the individual coverage into which reinstatement is made apply equally to all insureds enrolled in the coverage.

(g) The Secretary may adopt rules as may be necessary to carry out the provisions of this Section. Section 99. Effective date. This Act takes effect upon becoming law."

Representative Mautino offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 5349, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 368f as follows:

(215 ILCS 5/368f new)

Sec. 368f. Military service member insurance reinstatement.

(a) No Illinois resident activated for military service and no spouse or dependent of the resident who becomes eligible for a federal government-sponsored health insurance program, including the TriCare program providing coverage for civilian dependents of military personnel, as a result of the activation shall be denied reinstatement into the same individual health insurance coverage with the health insurer that the resident lapsed as a result of activation or becoming covered by the federal government-sponsored health insurance program. The resident shall have the right to reinstatement in the same individual health insurance coverage without medical underwriting, subject to payment of the current premium charged to other persons of the same age and gender that are covered under the same individual health coverage. Except in the case of birth or adoption that occurs during the period of activation, reinstatement must be into the same coverage type as the resident held prior to lapsing the individual health insurance coverage and at the same or, at the option of the resident, higher deductible level. The reinstatement rights provided under this subsection (a) are not available to a resident or dependents if the activated person is discharged from the military under other than honorable conditions.

(b) The health insurer with which the reinstatement is being requested must receive a request for reinstatement no later than 63 days following the later of (i) deactivation or (ii) loss of coverage under the federal government-sponsored health insurance program. The health insurer may request proof of loss of coverage and the timing of the loss of coverage of the government-sponsored coverage in order to determine eligibility for reinstatement into the individual coverage. The effective date of the reinstatement of individual health coverage shall be the first of the month following receipt of the notice requesting reinstatement.

(c) All insurers must provide written notice to the policyholder of individual health coverage of the rights described in subsection (a) of this Section. In lieu of the inclusion of the notice in the individual health insurance policy, an insurance company may satisfy the notification requirement by providing a single written notice:

(1) in conjunction with the enrollment process for a policyholder initially enrolling in the individual coverage on or after the effective date of this amendatory Act of the 94th General Assembly; or

(2) by mailing written notice to policyholders whose coverage was effective prior to the effective date of this amendatory Act of the 94th General Assembly no later than 90 days following the effective date of this amendatory Act of the 94th General Assembly.

(d) The provisions of subsection (a) of this Section do not apply to any policy or certificate providing coverage for any specified disease, specified accident or accident-only coverage, credit, dental, disability income, hospital indemnity, long-term care, Medicare supplement, vision care, or short-term nonrenewable

health policy or other limited-benefit supplemental insurance, or any coverage issued as a supplement to any liability insurance, workers' compensation or similar insurance, or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket, or individual basis.

(e) Nothing in this Section shall require an insurer to reinstate the resident if the insurer requires residency in an enrollment area and those residency requirements are not met after deactivation or loss of coverage under the government-sponsored health insurance program.

(f) All terms, conditions, and limitations of the individual coverage into which reinstatement is made apply equally to all insureds enrolled in the coverage.

(g) The Secretary may adopt rules as may be necessary to carry out the provisions of this Section.  
Section 99. Effective date. This Act takes effect upon becoming law."

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

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

### **AGREED RESOLUTIONS**

HOUSE RESOLUTIONS 953, 954, 955 and 956 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 3:56 o'clock p.m., Representative Currie moved that the House do now adjourn until Friday, February 24, 2006, at 10:00 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

February 23, 2006

0 YEAS

0 NAYS

117 PRESENT

P Acevedo	P Dugan	P Krause	P Pritchard
P Bassi	P Dunkin	P Lang	P Ramey
P Beaubien	P Dunn	P Leitch	P Reis
P Beiser	P Durkin	P Lindner	P Reitz
P Bellock	P Eddy	P Lyons, Joseph	P Rita
P Berrios	P Feigenholtz	P Mathias	P Rose
P Biggins	P Flider	P Mautino	P Ryg
P Black	P Flowers	P May	P Sacia
P Boland	P Franks	P McAuliffe	P Saviano
P Bost	P Fritchey	P McCarthy	P Schmitz
P Bradley, John	P Froehlich	P McGuire	P Schock
P Bradley, Richard	P Giles	P McKeon	P Scully
P Brady	P Golar	P Mendoza	P Smith
P Brauer	P Gordon	P Meyer	P Sommer
P Brosnahan	P Graham	P Miller	P Soto
P Burke	P Granberg	P Mitchell, Bill	P Stephens
P Chapa LaVia	P Hamos	P Mitchell, Jerry	P Sullivan
P Chavez	P Hannig	P Moffitt	P Tenhouse
P Churchill	P Hassert	P Molaro	P Tryon
P Collins	P Hoffman	P Mulligan	P Turner
P Colvin	P Holbrook	P Munson	P Verschoore
P Coulson	P Howard	P Myers	P Wait
P Cross	P Hultgren	P Nekritz	P Washington
P Cultra	P Jakobsson	P Osmond	P Watson
P Currie	P Jefferson	P Osterman	P Winters
P D'Amico	P Jenisch	P Parke	P Yarbrough
P Daniels	P Jones	E Patterson	P Younge
P Davis, Monique	P Joyce	P Phelps	P Mr. Speaker
P Davis, William	P Kelly	P Pihos	
P Delgado	P Kosel	P Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FOURTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 2150  
 CIVIL LAW-TECH  
 THIRD READING  
 PASSED

February 23, 2006

116 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	E Krause	Y Pritchard
Y Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	Y Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FOURTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4157  
 EXEC ORDER FISCAL IMPACT  
 THIRD READING  
 PASSED

February 23, 2006

116 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	E Krause	Y Pritchard
Y Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	Y Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence



STATE OF ILLINOIS  
 NINETY-FOURTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4161  
 CONVEYANCE-CHICAGO READ  
 THIRD READING  
 PASSED

February 23, 2006

80 YEAS

35 NAYS

0 PRESENT

Y Acevedo	Y Dugan	E Krause	N Pritchard
N Bassi	Y Dunkin	Y Lang	N Ramey
N Beaubien	Y Dunn	N Leitch	N Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
N Bellock	N Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	N Mathias	N Rose
Y Biggins	N Flider	Y Mautino	Y Ryg
N Black	Y Flowers	Y May	Y Sacia
Y Boland	N Franks	Y McAuliffe	Y Saviano
N Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	N Schock
Y Bradley, Richard	Y Giles	Y McKeon	Y Scully
N Brady	Y Golar	Y Mendoza	Y Smith
N Brauer	Y Gordon	Y Meyer	N Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	N Mitchell, Bill	N Stephens
N Chapa LaVia	Y Hamos	N Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	N Tenhouse
Y Churchill	Y Hassert	Y Molaro	N Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	N Munson	Y Verschoore
N Coulson	Y Howard	N Myers	N Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
N Cultra	Y Jakobsson	N Osmond	N Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	N Jenisch	N Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	N Pihos	
Y Delgado	Y Kosel	N Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FOURTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4132  
CRIM CD-REPLICA WEAPONS  
THIRD READING  
PASSED

February 23, 2006

104 YEAS

10 NAYS

0 PRESENT

Y Acevedo	Y Dugan	E Krause	Y Pritchard
Y Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	N Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	N Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
N Black	Y Flowers	Y May	N Sacia
Y Boland	Y Franks	Y McAuliffe	Y Saviano
N Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	Y Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	N Mitchell, Bill	N Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	N Moffitt	N Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
N Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	E Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FOURTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4456  
 AF AM HIV/AIDS RESPONSE FUND  
 THIRD READING  
 PASSED

February 23, 2006

113 YEAS

0 NAYS

1 PRESENT

Y Acevedo	Y Dugan	E Krause	Y Pritchard
Y Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	Y Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	P Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	E Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FOURTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5375  
CHILD ABUSE-UNREPORTED-PENALTY  
THIRD READING  
PASSED

February 23, 2006

109 YEAS

4 NAYS

0 PRESENT

Y Acevedo	Y Dugan	E Krause	Y Pritchard
Y Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
N Black	Y Flowers	Y May	N Sacia
Y Boland	Y Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	Y Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	N Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	E Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
N Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	E Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FOURTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5385  
MEDICAID-AUTISM SERVICES  
THIRD READING  
PASSED

February 23, 2006

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	Y Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	E Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	E Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FOURTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5550  
 SCH CD-TEXTBOOKS-LOAN-BOND  
 THIRD READING  
 PASSED

February 23, 2006

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	Y Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	E Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	E Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FOURTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4195  
 CHIP-OVERSIGHT TASK FORCE  
 THIRD READING  
 PASSED

February 23, 2006

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	Y Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	E Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	E Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FOURTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5370  
SCH CD-MANDATE WAIVER REPORTS  
THIRD READING  
PASSED

February 23, 2006

115 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	Y Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	E Poe	

E - Denotes Excused Absence



STATE OF ILLINOIS  
 NINETY-FOURTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4955  
 SCH-CD-CHI-MORGAN PARK HIGH  
 THIRD READING  
 PASSED

February 23, 2006

71 YEAS

39 NAYS

5 PRESENT

Y Acevedo	N Dugan	N Krause	Y Pritchard
N Bassi	Y Dunkin	P Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
N Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	N Mathias	Y Rose
Y Biggins	N Flider	Y Mautino	N Ryg
N Black	Y Flowers	N May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	N Schock
Y Bradley, Richard	N Giles	Y McKeon	Y Scully
Y Brady	N Golar	Y Mendoza	Y Smith
Y Brauer	N Gordon	Y Meyer	Y Sommer
Y Brosnahan	P Graham	N Miller	Y Soto
Y Burke	N Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	N Hannig	Y Moffitt	N Tenhouse
N Churchill	Y Hassert	Y Molaro	N Tryon
N Collins	Y Hoffman	Y Mulligan	N Turner
P Colvin	Y Holbrook	N Munson	Y Verschoore
N Coulson	N Howard	Y Myers	Y Wait
Y Cross	N Hultgren	N Nekritz	N Washington
N Cultra	N Jakobsson	Y Osmond	Y Watson
N Currie	N Jefferson	Y Osterman	Y Winters
Y D'Amico	N Jenisch	N Parke	P Yarbrough
Y Daniels	N Jones	E Patterson	N Younge
N Davis, Monique	Y Joyce	Y Phelps	A Mr. Speaker
N Davis, William	P Kelly	N Pihos	
Y Delgado	N Kosel	E Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FOURTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE JOINT RESOLUTION 80  
LONG-TERM PRISONER STUDY  
ADOPTED

February 23, 2006

115 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	Y Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
E Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FOURTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE JOINT RESOLUTION 66  
 DR GERALD L DOWNIE BRIDGE  
 ADOPTED

February 23, 2006

115 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	Y Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
E Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

**98TH LEGISLATIVE DAY**

**Perfunctory Session**

**THURSDAY, FEBRUARY 23, 2006**

At the hour of 4:00 o'clock p.m., the House convened perfunctory session.

**RESOLUTION**

The following resolution was offered and placed in the Committee on Rules.

**HOUSE RESOLUTION 957**

Offered by Representative Schock:

WHEREAS, The Pentagon has ordered the Illinois National Guard to prepare plans to eliminate as many as 1,000 positions, which is 10% of the State's Guard positions; and

WHEREAS, The following National Guard units could be affected by this reduction: Company F of the 106th Aviation Battalion, based at the Greater Peoria Regional Airport, a Chinook helicopter company which recently served in Iraq and which has about 75 Guard members; the Aviation Intermediate Maintenance Facility, also a part of the 106th Aviation Battalion, which has about 300 Guard members; and Company B and Detachment 2, based in Bartonville, which provide security for the 35th Infantry Division based in Kansas and have about 160 Guard members; and

WHEREAS, These National Guard units serve not only the nation in times of war or national emergencies; they also provide security and safety to residents of the Greater Peoria area; and without the presence of these units, the ability to respond to a terrorist threat, national disaster, or community emergency will be significantly diminished; and

WHEREAS, These National Guard units played a major role in rescue and support operations during the Great Flood of 1993, a service for which the Greater Peoria community will always be grateful; the units also have assisted the community in many other ways; and

WHEREAS, If these National Guard units are eliminated, the economic stability of the Greater Peoria area, as well as its safety and security, will be adversely affected; these units are comprised of more than 500 soldiers; and

WHEREAS, While some eliminated National Guard positions might be replaced, it is uncertain how many such positions might be replaced and when that might happen; in the meantime, the adverse impact on the area's safety, security, and economic stability would continue; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we strongly urge the Pentagon to reconsider its proposed cuts in Illinois National Guard positions; and be it further

RESOLVED, That suitable copies of this Resolution be forwarded to President George W. Bush, Secretary of Defense Donald Rumsfeld, and each member of the Illinois Congressional delegation.

**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 2159 (Lang), 2173 (Bellock), 2185 (Currie), 2272 (Winters), 2291 (McCarthy), 2295 (Mathias), 2308 (Franks), 2372 (Mathias), 2375 (Froehlich), 2427 (Hultgren), 2491 (Hamos), 2492 (Franks), 2511 (Saviano), 2554 (Schock), 2562 (Myers), 2613 (Froehlich), 2631 (Hassert), 2655 (Mautino), 2673 (Brady), 2711 (Franks), 2718 (Fritchey), 2738 (Lindner), 2744 (Reitz), 2841 (Reitz), 2868 (Froehlich), 2873 (Gordon), 2909 (Fritchey), 2931 (Osterman), 2985 (Hultgren), 2986 (McGuire) and 3076 (Miller).

At the hour of 4:05 o'clock p.m., the House Perfunctory Session adjourned.