

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-SIXTH GENERAL ASSEMBLY

110TH LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

WEDNESDAY, MARCH 10, 2010

11:37 O'CLOCK A.M.

HOUSE OF REPRESENTATIVES
Daily Journal Index
110th Legislative Day

Action	Page(s)
Adjournment	126
Agreed Resolutions	19
Balanced Budget Note Requested	17
Budget Address	21
Change of Sponsorship.....	19
Fiscal Note Requested.....	17
Fiscal Note Supplied	17
Judicial Note Supplied.....	17
Judicial Notes Requested.....	17
Legislative Measures Approved for Floor Consideration.....	15
Legislative Measures Assigned to Committee	16
Messages From The Senate.....	18
Pension Note Supplied	17
Pension Notes Requested	17
Perfunctory Adjournment.....	153
Perfunctory Session.....	136
Quorum Roll Call	15
Recess.....	20
Reports	15
Reports From Standing Committees	16, 138
Resolutions.....	136
Senate Bills on First Reading	153
State Mandates Fiscal Note Requested.....	17
State Mandates Fiscal Notes Requested.....	17
Temporary Committee Assignments.....	15, 137

Bill Number	Legislative Action	Page(s)
HB 0354	Second Reading.....	27
HB 1629	Committee Report – Floor Amendment/s	142
HB 3693	Committee Report.....	138
HB 3785	Concurrence in Senate Amendment/s	27
HB 4580	Second Reading – Amendment/s	27
HB 4583	Second Reading – Amendment/s	35
HB 4608	Committee Report.....	148
HB 4652	Committee Report.....	146
HB 4663	Recall	126
HB 4663	Second Reading.....	38
HB 4664	Committee Report.....	142
HB 4683	Committee Report – Floor Amendment/s	15
HB 4691	Second Reading – Amendment/s	38
HB 4694	Committee Report.....	142
HB 4699	Second Reading.....	39
HB 4703	Second Reading.....	39
HB 4722	Second Reading – amendment	40
HB 4727	Committee Report	138
HB 4737	Second Reading – amendment	40
HB 4755	Committee Report	144
HB 4763	Committee Report	138
HB 4769	Second Reading.....	41
HB 4778	Second Reading – amendment	41

HB 4801	Committee Report	142
HB 4802	Committee Report	142
HB 4805	Committee Report	141
HB 4812	Second Reading – Amendment/s	41
HB 4817	Second Reading.....	41
HB 4825	Committee Report – Floor Amendment/s	16
HB 4835	Second Reading – amendment	42
HB 4836	Second Reading.....	42
HB 4858	Committee Report	149
HB 4859	Second Reading.....	42
HB 4871	Committee Report	149
HB 4872	Committee Report	146
HB 4886	Committee Report	144
HB 4922	Second Reading – Amendment/s	42
HB 4927	Committee Report	141
HB 4928	Committee Report	148
HB 4934	Second Reading.....	43
HB 4940	Second Reading.....	43
HB 4960	Second Reading – Amendment/s	43
HB 4972	Second Reading.....	43
HB 4975	Committee Report	152
HB 4982	Committee Report	141
HB 4984	Committee Report	144
HB 4985	Committee Report	149
HB 4987	Second Reading – Amendment/s	43
HB 4990	Second Reading – Amendment/s	45
HB 4991	Committee Report	149
HB 4992	Committee Report	142
HB 5007	Committee Report	151
HB 5012	Second Reading.....	48
HB 5039	Second Reading.....	48
HB 5043	Second Reading.....	48
HB 5044	Second Reading.....	48
HB 5053	Committee Report	16
HB 5055	Second Reading – Amendment/s	48
HB 5060	Second Reading.....	51
HB 5064	Committee Report	142
HB 5065	Committee Report	148
HB 5080	Second Reading – Amendment/s	51
HB 5095	Second Reading – Amendment/s	63
HB 5127	Committee Report	16
HB 5132	Committee Report	141
HB 5133	Second Reading.....	66
HB 5139	Second Reading – amendment	66
HB 5144	Second Reading – Amendment/s	66
HB 5152	Committee Report	147
HB 5154	Second Reading – Amendment/s	67
HB 5157	Second Reading – Amendment/s	67
HB 5178	Second Reading.....	68
HB 5183	Committee Report	16
HB 5190	Second Reading.....	68
HB 5191	Committee Report	149
HB 5194	Second Reading – amendment	69
HB 5197	Recall	126
HB 5197	Second Reading.....	69
HB 5203	Second Reading – amendment	69
HB 5214	Committee Report	138

HB 5217	Second Reading.....	69
HB 5221	Recall	126
HB 5221	Second Reading.....	69
HB 5226	Committee Report	146
HB 5232	Committee Report – Floor Amendment/s	16
HB 5247	Committee Report – Floor Amendment/s	16
HB 5278	Second Reading – Amendment/s	69
HB 5281	Committee Report	152
HB 5282	Second Reading – Amendment/s	75
HB 5289	Committee Report	149
HB 5290	Second Reading.....	75
HB 5295	Second Reading.....	75
HB 5296	Second Reading – Amendment/s	75
HB 5308	Committee Report	16
HB 5322	Second Reading.....	76
HB 5323	Committee Report	141
HB 5329	Second Reading.....	76
HB 5331	Second Reading – Amendment/s	76
HB 5340	Committee Report	144
HB 5341	Committee Report	141
HB 5350	Second Reading – Amendment/s	86
HB 5351	Second Reading.....	100
HB 5357	Second Reading – amendment	100
HB 5369	Committee Report	138
HB 5377	Committee Report	16
HB 5378	Second Reading – Amendment/s	100
HB 5381	Committee Report	138
HB 5398	Second Reading – Amendment/s	101
HB 5409	Committee Report	138
HB 5410	Second Reading.....	101
HB 5411	Second Reading – Amendment/s	101
HB 5419	Committee Report	141
HB 5420	Committee Report	151
HB 5428	Second Reading – Amendment/s	101
HB 5429	Second Reading – Amendment/s	124
HB 5430	Committee Report	16
HB 5437	Second Reading.....	125
HB 5443	Second Reading.....	125
HB 5444	Second Reading.....	125
HB 5448	Committee Report	141
HB 5453	Committee Report – Floor Amendment/s	16
HB 5459	Second Reading – amendment	125
HB 5469	Second Reading.....	126
HB 5477	Second Reading.....	126
HB 5480	Second Reading.....	126
HB 5483	Committee Report	149
HB 5501	Committee Report	141
HB 5510	Committee Report – Floor Amendment/s	16
HB 5513	Committee Report	152
HB 5527	Committee Report	16
HB 5545	Committee Report	142
HB 5546	Committee Report	142
HB 5547	Committee Report	142
HB 5548	Committee Report	142
HB 5549	Committee Report	142
HB 5550	Committee Report	142
HB 5551	Committee Report	142

HB 5552	Committee Report.....	142
HB 5553	Committee Report.....	142
HB 5554	Committee Report.....	142
HB 5555	Committee Report.....	142
HB 5556	Committee Report.....	142
HB 5557	Committee Report.....	142
HB 5558	Committee Report.....	142
HB 5559	Committee Report.....	142
HB 5560	Committee Report.....	142
HB 5561	Committee Report.....	142
HB 5562	Committee Report.....	142
HB 5563	Committee Report.....	142
HB 5564	Committee Report.....	142
HB 5565	Committee Report.....	142
HB 5566	Committee Report.....	142
HB 5567	Committee Report.....	142
HB 5568	Committee Report.....	142
HB 5569	Committee Report.....	142
HB 5570	Committee Report.....	142
HB 5571	Committee Report.....	142
HB 5572	Committee Report.....	142
HB 5573	Committee Report.....	142
HB 5574	Committee Report.....	142
HB 5575	Committee Report.....	142
HB 5576	Committee Report.....	142
HB 5577	Committee Report.....	142
HB 5578	Committee Report.....	142
HB 5579	Committee Report.....	142
HB 5580	Committee Report.....	142
HB 5581	Committee Report.....	142
HB 5582	Committee Report.....	142
HB 5583	Committee Report.....	142
HB 5584	Committee Report.....	142
HB 5585	Committee Report.....	142
HB 5586	Committee Report.....	142
HB 5587	Committee Report.....	142
HB 5588	Committee Report.....	142
HB 5589	Committee Report.....	142
HB 5590	Committee Report.....	142
HB 5591	Committee Report.....	142
HB 5592	Committee Report.....	142
HB 5593	Committee Report.....	142
HB 5594	Committee Report.....	142
HB 5595	Committee Report.....	142
HB 5596	Committee Report.....	142
HB 5597	Committee Report.....	142
HB 5598	Committee Report.....	142
HB 5599	Committee Report.....	142
HB 5600	Committee Report.....	142
HB 5601	Committee Report.....	142
HB 5602	Committee Report.....	142
HB 5603	Committee Report.....	142
HB 5604	Committee Report.....	142
HB 5605	Committee Report.....	142
HB 5606	Committee Report.....	142
HB 5607	Committee Report.....	142
HB 5608	Committee Report.....	142

HB 5609	Committee Report.....	142
HB 5610	Committee Report.....	142
HB 5611	Committee Report.....	142
HB 5612	Committee Report.....	142
HB 5613	Committee Report.....	142
HB 5614	Committee Report.....	142
HB 5615	Committee Report.....	142
HB 5616	Committee Report.....	142
HB 5617	Committee Report.....	142
HB 5618	Committee Report.....	142
HB 5619	Committee Report.....	142
HB 5620	Committee Report.....	142
HB 5621	Committee Report.....	142
HB 5622	Committee Report.....	142
HB 5623	Committee Report.....	142
HB 5624	Committee Report.....	142
HB 5625	Committee Report.....	142
HB 5626	Committee Report.....	142
HB 5627	Committee Report.....	143
HB 5628	Committee Report.....	143
HB 5629	Committee Report.....	143
HB 5630	Committee Report.....	143
HB 5631	Committee Report.....	143
HB 5632	Committee Report.....	143
HB 5633	Committee Report.....	143
HB 5634	Committee Report.....	143
HB 5635	Committee Report.....	143
HB 5636	Committee Report.....	143
HB 5637	Committee Report.....	143
HB 5638	Committee Report.....	143
HB 5639	Committee Report.....	143
HB 5640	Committee Report.....	143
HB 5641	Committee Report.....	143
HB 5642	Committee Report.....	143
HB 5643	Committee Report.....	143
HB 5644	Committee Report.....	143
HB 5645	Committee Report.....	143
HB 5646	Committee Report.....	143
HB 5647	Committee Report.....	143
HB 5648	Committee Report.....	143
HB 5649	Committee Report.....	143
HB 5650	Committee Report.....	143
HB 5651	Committee Report.....	143
HB 5652	Committee Report.....	143
HB 5653	Committee Report.....	143
HB 5654	Committee Report.....	143
HB 5655	Committee Report.....	143
HB 5656	Committee Report.....	143
HB 5657	Committee Report.....	143
HB 5658	Committee Report.....	143
HB 5659	Committee Report.....	143
HB 5660	Committee Report.....	143
HB 5661	Committee Report.....	143
HB 5662	Committee Report.....	143
HB 5675	Committee Report.....	141
HB 5677	Committee Report.....	138
HB 5685	Committee Report.....	138

HB 5728	Committee Report	143
HB 5732	Committee Report	143
HB 5735	Committee Report	138
HB 5744	Committee Report – Floor Amendment/s	16
HB 5752	Committee Report	141
HB 5790	Committee Report	143
HB 5792	Committee Report	16
HB 5802	Committee Report	148
HB 5820	Committee Report – Floor Amendment/s	16
HB 5820	Recall	25
HB 5820	Second Reading – amendment	25
HB 5824	Committee Report	148
HB 5838	Committee Report	142
HB 5842	Committee Report	143
HB 5846	Committee Report	141
HB 5849	Committee Report	143
HB 5853	Committee Report	151
HB 5861	Third Reading	26
HB 5868	Committee Report	152
HB 5888	Third Reading	26
HB 5891	Third Reading	26
HB 5895	Committee Report	138
HB 5907	Committee Report	146
HB 5912	Committee Report	138
HB 5918	Committee Report	138
HB 5927	Committee Report	141
HB 5942	Committee Report	138
HB 5946	Third Reading	27
HB 5951	Committee Report	138
HB 5958	Third Reading	27
HB 6014	Committee Report	152
HB 6030	Committee Report	142
HB 6045	Committee Report	149
HB 6053	Committee Report	138
HB 6065	Committee Report	144
HB 6072	Committee Report	138
HB 6073	Committee Report	141
HB 6079	Third Reading	27
HB 6082	Committee Report	138
HB 6092	Committee Report	148
HB 6120	Committee Report	146
HB 6124	Committee Report	138
HB 6129	Committee Report	151
HB 6140	Committee Report	141
HB 6194	Committee Report	149
HB 6205	Committee Report	141
HB 6230	Committee Report	147
HB 6263	Committee Report	138
HB 6267	Committee Report	149
HB 6268	Committee Report	148
HB 6272	Committee Report	148
HB 6299	Second Reading	20
HB 6300	Committee Report	143
HB 6301	Committee Report	143
HB 6302	Committee Report	143
HB 6303	Committee Report	143
HB 6304	Committee Report	143

HB 6305	Committee Report.....	143
HB 6306	Committee Report.....	143
HB 6307	Committee Report.....	143
HB 6308	Committee Report.....	143
HB 6309	Committee Report.....	143
HB 6310	Committee Report.....	143
HB 6311	Committee Report.....	143
HB 6312	Committee Report.....	143
HB 6313	Committee Report.....	143
HB 6314	Committee Report.....	143
HB 6315	Committee Report.....	143
HB 6316	Committee Report.....	143
HB 6317	Committee Report.....	143
HB 6318	Committee Report.....	143
HB 6319	Committee Report.....	143
HB 6320	Committee Report.....	143
HB 6321	Committee Report.....	143
HB 6322	Committee Report.....	143
HB 6323	Committee Report.....	143
HB 6324	Committee Report.....	143
HB 6325	Committee Report.....	143
HB 6326	Committee Report.....	143
HB 6327	Committee Report.....	143
HB 6328	Committee Report.....	143
HB 6329	Committee Report.....	143
HB 6330	Committee Report.....	143
HB 6331	Committee Report.....	143
HB 6332	Committee Report.....	143
HB 6333	Committee Report.....	143
HB 6334	Committee Report.....	143
HB 6335	Committee Report.....	143
HB 6336	Committee Report.....	143
HB 6337	Committee Report.....	143
HB 6338	Committee Report.....	143
HB 6339	Committee Report.....	143
HB 6340	Committee Report.....	143
HB 6341	Committee Report.....	143
HB 6342	Committee Report.....	143
HB 6343	Committee Report.....	143
HB 6344	Committee Report.....	143
HB 6345	Committee Report.....	143
HB 6346	Committee Report.....	143
HB 6347	Committee Report.....	143
HB 6348	Committee Report.....	143
HB 6349	Committee Report.....	143
HB 6350	Committee Report.....	143
HB 6351	Committee Report.....	143
HB 6352	Committee Report.....	143
HB 6353	Committee Report.....	143
HB 6354	Committee Report.....	143
HB 6355	Committee Report.....	143
HB 6356	Committee Report.....	143
HB 6357	Committee Report.....	143
HB 6358	Committee Report.....	143
HB 6359	Committee Report.....	143
HB 6360	Committee Report.....	143
HB 6361	Committee Report.....	143

HB 6362	Committee Report	143
HB 6363	Committee Report	143
HB 6364	Committee Report	143
HB 6365	Committee Report	143
HB 6366	Committee Report	143
HB 6367	Committee Report	143
HB 6368	Committee Report	143
HB 6369	Committee Report	143
HB 6370	Committee Report	143
HB 6371	Committee Report	143
HB 6372	Committee Report	143
HB 6373	Committee Report	143
HB 6374	Committee Report	143
HB 6375	Committee Report	143
HB 6376	Committee Report	143
HB 6377	Committee Report	143
HB 6378	Committee Report	143
HB 6379	Committee Report	143
HB 6380	Committee Report	143
HB 6381	Committee Report	143
HB 6382	Committee Report	143
HB 6383	Committee Report	143
HB 6384	Committee Report	143
HB 6385	Committee Report	143
HB 6386	Committee Report	143
HB 6387	Committee Report	143
HB 6388	Committee Report	143
HB 6389	Committee Report	143
HB 6390	Committee Report	143
HB 6391	Committee Report	143
HB 6392	Committee Report	143
HB 6393	Committee Report	143
HB 6394	Committee Report	143
HB 6395	Committee Report	143
HB 6396	Committee Report	143
HB 6397	Committee Report	143
HB 6398	Committee Report	143
HB 6399	Committee Report	143
HB 6400	Committee Report	143
HB 6401	Committee Report	143
HB 6402	Committee Report	143
HB 6403	Committee Report	143
HB 6404	Committee Report	143
HB 6405	Committee Report	143
HB 6406	Committee Report	143
HB 6407	Committee Report	143
HB 6408	Committee Report	143
HB 6409	Committee Report	143
HB 6410	Committee Report	143
HB 6411	Committee Report	143
HB 6412	Committee Report	143
HB 6413	Committee Report	143
HB 6414	Committee Report	143
HB 6415	Committee Report	143
HB 6416	Committee Report	143
HB 6417	Committee Report	143
HB 6418	Committee Report	143

HB 6419	Committee Report.....	143
HB 6420	Committee Report.....	143
HB 6421	Committee Report.....	143
HB 6422	Committee Report.....	143
HB 6423	Committee Report.....	143
HB 6424	Committee Report.....	143
HB 6425	Committee Report.....	143
HB 6426	Committee Report.....	143
HB 6427	Committee Report.....	143
HB 6428	Committee Report.....	143
HB 6429	Committee Report.....	143
HB 6430	Committee Report.....	143
HB 6431	Committee Report.....	143
HB 6432	Committee Report.....	143
HB 6433	Committee Report.....	143
HB 6434	Committee Report.....	143
HB 6435	Committee Report.....	143
HB 6436	Committee Report.....	143
HB 6437	Committee Report.....	143
HB 6438	Committee Report.....	143
HB 6439	Committee Report.....	143
HB 6440	Committee Report.....	143
HB 6441	Committee Report.....	143
HB 6442	Committee Report.....	143
HB 6443	Committee Report.....	143
HB 6444	Committee Report.....	143
HB 6445	Committee Report.....	143
HB 6446	Committee Report.....	143
HB 6447	Committee Report.....	143
HB 6448	Committee Report.....	143
HB 6449	Committee Report.....	143
HB 6450	Committee Report.....	143
HB 6451	Committee Report.....	143
HB 6452	Committee Report.....	143
HB 6453	Committee Report.....	143
HB 6454	Committee Report.....	143
HB 6455	Committee Report.....	143
HB 6456	Committee Report.....	143
HB 6457	Committee Report.....	143
HB 6458	Committee Report.....	143
HB 6459	Committee Report.....	143
HB 6460	Committee Report.....	143
HB 6461	Committee Report.....	143
HB 6462	Committee Report.....	143
HB 6463	Committee Report.....	143
HB 6464	Committee Report.....	143
HB 6465	Committee Report.....	143
HB 6466	Committee Report.....	143
HB 6467	Committee Report.....	143
HB 6468	Committee Report.....	143
HB 6469	Committee Report.....	143
HB 6470	Committee Report.....	143
HB 6471	Committee Report.....	143
HB 6472	Committee Report.....	143
HB 6473	Committee Report.....	143
HB 6474	Committee Report.....	143
HB 6475	Committee Report.....	143

HB 6476	Committee Report	143
HB 6477	Committee Report	143
HB 6478	Committee Report	143
HB 6479	Committee Report	143
HB 6480	Committee Report	143
HB 6481	Committee Report	143
HB 6482	Committee Report	143
HB 6483	Committee Report	143
HB 6484	Committee Report	143
HB 6485	Committee Report	143
HB 6486	Committee Report	143
HB 6487	Committee Report	143
HB 6488	Committee Report	143
HB 6489	Committee Report	143
HB 6490	Committee Report	143
HB 6491	Committee Report	143
HB 6492	Committee Report	143
HB 6493	Committee Report	143
HB 6494	Committee Report	143
HB 6495	Committee Report	143
HB 6496	Committee Report	143
HB 6497	Committee Report	143
HB 6498	Committee Report	143
HB 6499	Committee Report	143
HB 6500	Committee Report	143
HB 6501	Committee Report	143
HB 6502	Committee Report	143
HB 6503	Committee Report	143
HB 6504	Committee Report	143
HB 6505	Committee Report	143
HB 6506	Committee Report	143
HB 6507	Committee Report	143
HB 6508	Committee Report	143
HB 6509	Committee Report	143
HB 6510	Committee Report	143
HB 6511	Committee Report	143
HB 6512	Committee Report	143
HB 6513	Committee Report	143
HB 6514	Committee Report	143
HB 6515	Committee Report	143
HB 6516	Committee Report	143
HB 6517	Committee Report	143
HB 6518	Committee Report	143
HB 6519	Committee Report	143
HB 6520	Committee Report	143
HB 6521	Committee Report	143
HB 6522	Committee Report	143
HB 6523	Committee Report	143
HB 6524	Committee Report	143
HB 6525	Committee Report	143
HB 6526	Committee Report	143
HB 6527	Committee Report	143
HB 6528	Committee Report	143
HB 6529	Committee Report	143
HB 6530	Committee Report	143
HB 6531	Committee Report	143
HB 6532	Committee Report	143

HB 6533	Committee Report.....	143
HB 6534	Committee Report.....	143
HB 6535	Committee Report.....	143
HB 6536	Committee Report.....	143
HB 6537	Committee Report.....	143
HB 6538	Committee Report.....	143
HB 6539	Committee Report.....	143
HB 6540	Committee Report.....	143
HB 6541	Committee Report.....	143
HB 6542	Committee Report.....	143
HB 6543	Committee Report.....	143
HB 6544	Committee Report.....	143
HB 6545	Committee Report.....	143
HB 6546	Committee Report.....	143
HB 6547	Committee Report.....	143
HB 6548	Committee Report.....	143
HB 6549	Committee Report.....	143
HB 6550	Committee Report.....	143
HB 6551	Committee Report.....	143
HB 6552	Committee Report.....	143
HB 6553	Committee Report.....	143
HB 6554	Committee Report.....	143
HB 6555	Committee Report.....	143
HB 6556	Committee Report.....	143
HB 6557	Committee Report.....	143
HB 6558	Committee Report.....	143
HB 6559	Committee Report.....	143
HB 6560	Committee Report.....	143
HB 6561	Committee Report.....	143
HB 6562	Committee Report.....	143
HB 6563	Committee Report.....	143
HB 6564	Committee Report.....	143
HB 6565	Committee Report.....	143
HB 6566	Committee Report.....	143
HB 6567	Committee Report.....	143
HB 6568	Committee Report.....	143
HB 6569	Committee Report.....	143
HB 6570	Committee Report.....	143
HB 6571	Committee Report.....	143
HB 6572	Committee Report.....	143
HB 6573	Committee Report.....	143
HB 6574	Committee Report.....	143
HB 6575	Committee Report.....	143
HB 6576	Committee Report.....	143
HB 6577	Committee Report.....	143
HB 6578	Committee Report.....	143
HB 6579	Committee Report.....	143
HB 6580	Committee Report.....	143
HB 6581	Committee Report.....	143
HB 6582	Committee Report.....	143
HB 6583	Committee Report.....	143
HB 6584	Committee Report.....	143
HB 6585	Committee Report.....	143
HB 6586	Committee Report.....	143
HB 6587	Committee Report.....	143
HB 6588	Committee Report.....	143
HB 6589	Committee Report.....	143

HB 6590	Committee Report	143
HB 6591	Committee Report	143
HB 6592	Committee Report	143
HB 6593	Committee Report	143
HB 6594	Committee Report	143
HB 6595	Committee Report	143
HB 6596	Committee Report	143
HB 6597	Committee Report	143
HB 6598	Committee Report	143
HB 6599	Committee Report	143
HB 6600	Committee Report	143
HB 6601	Committee Report	143
HB 6602	Committee Report	143
HB 6603	Committee Report	143
HB 6604	Committee Report	143
HB 6605	Committee Report	143
HB 6606	Committee Report	143
HB 6607	Committee Report	143
HB 6608	Committee Report	143
HB 6609	Committee Report	143
HB 6610	Committee Report	143
HB 6611	Committee Report	143
HB 6612	Committee Report	143
HB 6613	Committee Report	143
HB 6614	Committee Report	143
HB 6615	Committee Report	143
HB 6616	Committee Report	143
HB 6617	Committee Report	143
HJR 0092	Committee Report	141
HJR 0103	Committee Report	148
HJR 0104	Committee Report	149
HJR 0107	Committee Report	151
HJR 0110	Committee Report	149
HR 0500	Committee Report	146
HR 0670	Committee Report	149
HR 0710	Committee Report	146
HR 0751	Committee Report	149
HR 0766	Committee Report	141
HR 0868	Committee Report	141
HR 0873	Committee Report	149
HR 0907	Committee Report	149
HR 0913	Committee Report	141
HR 0918	Committee Report	148
HR 0919	Committee Report	149
HR 0933	Committee Report	146
HR 0936	Committee Report	151
HR 0955	Committee Report	148
HR 0998	Resolution	19
HR 0998	Adoption	20
HR 1000	Resolution	136
HR 1001	Resolution	19
HR 1001	Adoption	20
HR 1002	Resolution	136
JSR 0003	Resolution	21
SB 0355	Committee Report	146
SB 0355	Second Reading	153

SB 0365	Committee Report.....	149
SB 0380	Committee Report.....	148
SB 2190	Third Reading.....	20
SB 2350	Senate Message – Passage of Senate Bill	18
SB 2488	Senate Message – Passage of Senate Bill	18
SB 2504	First Reading.....	153
SB 2504	Senate Message – Passage of Senate Bill	18
SB 2507	Senate Message – Passage of Senate Bill	18
SB 2520	First Reading.....	153
SB 2520	Senate Message – Passage of Senate Bill	18
SB 2523	Senate Message – Passage of Senate Bill	18
SB 2533	First Reading.....	153
SB 2533	Senate Message – Passage of Senate Bill	18
SB 2537	Senate Message – Passage of Senate Bill	18
SB 2538	First Reading.....	153
SB 2538	Senate Message – Passage of Senate Bill	18
SB 2540	First Reading.....	153
SB 2540	Senate Message – Passage of Senate Bill	18
SB 2544	First Reading.....	153
SB 2544	Senate Message – Passage of Senate Bill	19
SB 2548	First Reading.....	153
SB 2548	Senate Message – Passage of Senate Bill	19
SB 2549	First Reading.....	153
SB 2549	Senate Message – Passage of Senate Bill	19
SB 2553	First Reading.....	153
SB 2553	Senate Message – Passage of Senate Bill	19
SB 2566	First Reading.....	153
SB 2566	Senate Message – Passage of Senate Bill	19
SB 2570	Senate Message – Passage of Senate Bill	19
SB 2573	Senate Message – Passage of Senate Bill	19
SB 2579	First Reading.....	153
SB 2579	Senate Message – Passage of Senate Bill	19
SB 2581	First Reading.....	153
SB 2581	Senate Message – Passage of Senate Bill	19
SB 2583	Senate Message – Passage of Senate Bill	19
SB 2589	Senate Message – Passage of Senate Bill	19
SB 2590	Senate Message – Passage of Senate Bill	19
SB 2594	First Reading.....	153
SB 2594	Senate Message – Passage of Senate Bill	19
SB 2602	Senate Message – Passage of Senate Bill	19

The House met pursuant to adjournment.

Representative Lang in the chair.

Prayer by Pastor David Carpenter, who is with Gateway Baptist Church in Cahokia, IL.

Representative Biggins 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:

113 present. (ROLL CALL 1)

By unanimous consent, Representatives Cole, Fritchey and Myers were excused from attendance.

The membership of the House was temporarily reduced to 117 as a result of the vacancy created by the resignation of Representative Brosnahan on February 11, 2010.

REQUEST TO BE SHOWN ON QUORUM

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Mendoza, should be recorded as present at the hour of 11:58 o'clock a.m.

REPORTS

The Clerk of the House acknowledges receipt of the following correspondence:

Fetal Alcohol Spectrum Disorders Report, submitted by Illinois Department of Human Services on March 9, 2010.

Report of Social Services Block Grant Fund and Local Initiative Fund Receipts and Transfers State Fiscal Year 2010, submitted by Illinois Department of Human Services on March 9, 2010.

Recycling and Recycled Paper Procurement Update State Fiscal Year 2009, submitted by Department of Central Management Services, James P. Sledge, Director, on March 9, 2010.

Contract For All Kids Marketing Strategy - Component 1, submitted by Illinois Department of Healthcare and Family Services on March 9, 2010.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Stephens replaced Representative Schmitz in the Committee on Rules on March 10, 2010.

Representative Mautino replaced Representative Turner in the Committee on Rules on March 10, 2010.

Representative McGuire replaced Representative Lang in the Committee on Rules (A) on March 10, 2010.

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on March 10, 2010, 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. 3 to HOUSE BILL 4683.

Amendment No. 1 to HOUSE BILL 4825.
 Amendment No. 2 to HOUSE BILL 5232.
 Amendment No. 1 to HOUSE BILL 5247.
 Amendment No. 1 to HOUSE BILL 5453.
 Amendment No. 1 to HOUSE BILL 5510.
 Amendment No. 2 to HOUSE BILL 5744.
 Amendment No. 1 to HOUSE BILL 5820.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Elementary & Secondary Education: HOUSE AMENDMENT No. 3 to HOUSE BILL 4711.
 Human Services: HOUSE AMENDMENT No. 1 to HOUSE BILL 1598.
 Judiciary II - Criminal Law: HOUSE AMENDMENT No. 1 to SENATE BILL 1702.
 Youth and Family: HOUSE AMENDMENT No. 1 to HOUSE BILL 1653 and HOUSE AMENDMENT No. 1 to HOUSE BILL 1826.

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

Y Currie(D), Chairperson	A Black(R), Republican Spokesperson
A Lang(D)	Y Stephens(R) (replacing Schmitz)
Y Mautino(D) (replacing Turner)	

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on March 10, 2010, (A) reported the same back with the following recommendations:

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Environment & Energy: HOUSE AMENDMENT No. 1 to HOUSE BILL 6439.
 Health Care Licenses: HOUSE AMENDMENT No. 1 to HOUSE BILL 6428.
 Human Services: HOUSE AMENDMENT No. 1 to HOUSE BILL 6434.
 Judiciary I - Civil Law: HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 57.

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

Y Currie(D), Chairperson	Y Black(R), Republican Spokesperson
Y McGuire(D) (replacing Lang)	A Schmitz(R)
Y Turner(D)	

REPORTS FROM STANDING COMMITTEES

Representative Reitz, Chairperson, from the Committee on Health Care Licenses to which the following were referred, action taken on March 10, 2010, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 5183, 5308, 5430 and 5527.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 5053, 5127, 5377 and 5792.

The committee roll call vote on House Bills 5053, 5127, 5183, 5308, 5377, 5430, 5527 and 5792 is as follows:

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

Y Reitz(D), Chairperson
 Y Saviano(R), Republican Spokesperson
 A Harris(D)
 Y Kosel(R)
 Y McCarthy(D)
 A Mulligan(R)

Y Phelps(D), Vice-Chairperson
 Y Coulson(R)
 Y Jackson(D)
 Y McAuliffe(R)
 A Miller(D)
 Y Verschoore(D)

PENSION NOTE SUPPLIED

A Pension Note has been supplied for HOUSE BILL 5417.

FISCAL NOTE SUPPLIED

A Fiscal Note has been supplied for HOUSE BILL 1545, as amended and 6112.

JUDICIAL NOTE SUPPLIED

A Judicial Note has been supplied for HOUSE BILL 3814.

REQUEST FOR FISCAL NOTE

Representative Black requested that a Fiscal Note be supplied for HOUSE BILL 4817.

REQUEST FOR STATE MANDATES FISCAL NOTE

Representative Black requested that a State Mandates Fiscal Note be supplied for HOUSE BILL 4817.

REQUEST FOR STATE MANDATES FISCAL NOTES

Representative Monique Davis requested that State Mandates Fiscal Notes be supplied for HOUSE BILLS 4821, as amended, 5109, as amended and 5295.

REQUEST FOR BALANCED BUDGET NOTE

Representative Monique Davis requested that a Balanced Budget Note be supplied for HOUSE BILL 5295.

REQUEST FOR JUDICIAL NOTES

Representative Monique Davis requested that Judicial Notes be supplied for HOUSE BILLS 4821, as amended, 5109, as amended and 5295.

REQUEST FOR PENSION NOTES

Representative Monique Davis requested that Pension Notes be supplied for HOUSE BILLS 5109, as amended and 5295.

MESSAGES FROM THE SENATE

A message from the Senate by

Ms. Rock, 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. 2350
A bill for AN ACT concerning revenue.
 - SENATE BILL NO. 2488
A bill for AN ACT concerning criminal law.
 - SENATE BILL NO. 2504
A bill for AN ACT concerning criminal law.
 - SENATE BILL NO. 2507
A bill for AN ACT concerning education.
 - SENATE BILL NO. 2520
A bill for AN ACT concerning local government.
 - SENATE BILL NO. 2523
A bill for AN ACT concerning local government.
 - SENATE BILL NO. 2533
A bill for AN ACT concerning State government.
 - SENATE BILL NO. 2537
A bill for AN ACT concerning education.
 - SENATE BILL NO. 2538
A bill for AN ACT concerning education.
 - SENATE BILL NO. 2540
A bill for AN ACT concerning business.
- Passed by the Senate, March 9, 2010.

Jillayne Rock, Secretary of the Senate

The foregoing SENATE BILLS 2350, 2488, 2504, 2507, 2520, 2523, 2533, 2537, 2538 and 2540 were ordered reproduced and placed on the appropriate order of business.

A message from the Senate by

Ms. Rock, 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. 2544
A bill for AN ACT concerning insurance.
- SENATE BILL NO. 2548
A bill for AN ACT concerning education.
- SENATE BILL NO. 2549
A bill for AN ACT concerning professional regulation.
- SENATE BILL NO. 2553
A bill for AN ACT concerning business.
- SENATE BILL NO. 2566
A bill for AN ACT concerning transportation.
- SENATE BILL NO. 2570
A bill for AN ACT concerning civil law.
- SENATE BILL NO. 2573
A bill for AN ACT concerning State government.
- SENATE BILL NO. 2579

A bill for AN ACT concerning State government.
 SENATE BILL NO. 2581
 A bill for AN ACT concerning financial regulation.
 SENATE BILL NO. 2583
 A bill for AN ACT concerning State government.
 SENATE BILL NO. 2589
 A bill for AN ACT concerning criminal law.
 SENATE BILL NO. 2590
 A bill for AN ACT concerning criminal law.
 SENATE BILL NO. 2594
 A bill for AN ACT concerning education.
 SENATE BILL NO. 2602
 A bill for AN ACT concerning regulation.
 Passed by the Senate, March 9, 2010.

Jillayne Rock, Secretary of the Senate

The foregoing SENATE BILLS 2544, 2548, 2549, 2553, 2566, 2570, 2573, 2579, 2581, 2583, 2589, 2590, 2594 and 2602 were ordered reproduced and placed on the appropriate order of business.

A message from the Senate by
 Ms. Rock, Secretary:
 Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:
 HOUSE JOINT RESOLUTION NO. 108
 Concurred in the Senate, March 10, 2010.

Jillayne Rock, Secretary of the Senate

CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Reboletti was removed as principal sponsor, and Representative Poe became the new principal sponsor of HOUSE BILL 4578.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Watson became the new principal sponsor of HOUSE BILL 5623.

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 998

Offered by Representative Pritchard:
 Congratulates the members of the Hinckley-Big Rock women's basketball team on winning the Class 1A IHSA State basketball championship.

HOUSE RESOLUTION 1001

Offered by Representative Mathias:
 Supports the goals and ideals of Multiple Sclerosis Awareness Week, March 8 through March 14, 2010, and encourages the citizens of this State to show their support as well.

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 6299.

SENATE BILL ON THIRD READING

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

On motion of Representative Brauer, SENATE BILL 2190 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: 99, Yeas; 14, 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.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 998 and 1001 were taken up for consideration.

Representative Lang moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

RECESS

At the hour of 11:55 o'clock a.m., Speaker of the House Madigan moved that the House do now take a recess for the Governor to address the Joint Session.

The motion prevailed.

JOINT SESSION 11:55 O'CLOCK A.M.

The hour having arrived, the time heretofore fixed by House Joint Resolution 108 adopted by the Senate and the House of Representatives, the Joint Session convened for the purpose of receiving the Governor to deliver his Budget Message in person to the Ninety-Sixth General Assembly.

The Senate, preceded by the Honorable President Cullerton, and Members of the Senate, appeared in the Hall of the House of Representative and, by direction of the Speaker, took the seats assigned to them.

The two Houses being convened in Joint Session, President Cullerton of the Senate announced that a quorum of the Senate was present.

Speaker of the House Madigan, announced that a quorum of the House of Representatives was present.

A majority of each house of the General Assembly being present, the Speaker of the House announced the Joint Session duly formed.

Representative Currie offered the following resolution and moved its adoption.

JOINT SESSION RESOLUTION 3

RESOLVED, That a committee of ten be appointed, five from the House by the Speaker of the House, and five from the Senate by the President of the Senate, to wait upon His Excellency Governor Pat Quinn and invite him to address the Joint Assembly.

The motion prevailed and the resolution was adopted.

The President of the Senate announced his appointments, as Members of such Committee, on the part of the Senate: Senators Larry Bomke, Gary Dahl, Deanna Demuzio, Toi Hutchinson and Iris Martinez.

The Speaker of the House announced his appointments, as Members of such Committee, on part of the House: Representatives Bob Biggins, Greg Harris, Emily McAsey, Al Riley and Ronald Wait.

His Excellency, Governor Pat Quinn, was admitted into the Hall of the House of Representatives, and was presented to the General Assembly, to deliver his message in person as follows:

**GOVERNOR PAT QUINN
BUDGET ADDRESS**

Good Afternoon Honorable Members of the General Assembly. Speaker Madigan.

President Cullerton. Minority Leader Cross. Minority Leader Radogno. Secretary of State White. Comptroller Hynes. Treasurer Giannoulas.

I also want to acknowledge Attorney General Madigan, who is under the weather and is unable to join us today.

Last March in my budget address, I stood here at this podium and told you that I'm an optimist.

That I have complete faith in the people of Illinois, and in our ability to meet any challenge.

I'm still an optimist.

But I'm also a realist.

And today, I'm here to talk about real numbers, and the real challenges, that we face in the coming fiscal year.

As you know, our state government is in financial crisis.

We must take action to solve our fiscal problems now, or we will pay the price for years to come.

We cannot afford to duck our responsibilities.

I'm not going to try to sugarcoat the situation: The problems we face today are daunting.

We are in a battle that we must win. We are fighting for Illinois.

I believe we can win this fight together – but only if we work together to create jobs, cut costs, and move forward.

We are in a crisis of historic proportions.

Even as this Great Recession is coming to an end, unemployment is still way too high.

For many Illinoisans, wages and benefits have tumbled.

Millions of men and women across our state are lying awake at night, wondering how they will pay their bills and get back on their feet.

This is a human tragedy. It's also a fiscal catastrophe for the State of Illinois.

When wages fall, state revenues fall, too.

When people lose their jobs, or take wage cuts, that sends income tax revenues plummeting.

And those who have held onto their jobs are thinking twice before they spend – which means sales tax receipts are down.

Due to the recession, there has been an historic drop in state revenues, amounting to billions of dollars.

And we don't expect state revenues to rebound in the coming fiscal year.

We're also facing the reality that our support from the federal stimulus program is coming to an end.

The American Recovery and Reinvestment Act has provided billions of dollars to help us preserve our education system and meet our Healthcare obligations.

But those federal stimulus dollars will not be available for education in the coming fiscal year.

In addition, we face a long standing fundamental problem:

The State of Illinois has been spending more than it receives for decades, under both Democratic and Republican administrations.

As a result, our state has a structural deficit that has been silently ballooning – and today, we face a deficit of 13 billion dollars for the coming fiscal year.

We have five basic economic strategies to attack this fiscal crisis:

- 1) Cutting spending.
- 2) Strategic borrowing.
- 3) Maximizing federal assistance.
- 4) Creating new jobs that will put our people back to work.
- 5) Improving state revenues.

This isn't going to be easy for anybody.

Although the upcoming budget for the state of Illinois is \$55.1 Billion, about half of that money comes from federal dollars and special funds.

That means we don't have the authority to decide how most of those dollars are spent.

Our spending power is pretty much limited to the dollars in our General Revenue Fund – about 27.4 billion dollars in the coming year.

Now, there are some people who say we should just cut across the board until we close our 13 Billion dollar deficit and our spending equals our revenues – even if that means draconian cuts in health, human services, education and public safety.

But that approach is both heartless -- and naïve.

Taking a chainsaw to our state budget for schools, for healthcare, for human-services, and public safety, is wrong.

Does that mean we can't make any meaningful cuts in our state spending?

No.

But it means that we must consider the financial impact – as well as the human cost – of every cut we make.

In the coming fiscal year, I have made substantial cuts in a number of important programs.

And to make sure that we are squeezing the best value possible out of every single tax dollar, my budget also calls for a number of strong belt-tightening measures.

Many of these ideas were taken from suggestions posted on our budget website – budget.illinois.gov.

A few weeks ago, we asked for ideas from the public.

We received an overwhelming response – more than 13 thousand suggestions on how to address the state's budget crisis.

We heard from Kevin in Jerseyville, who told us to cut back even further on travel expenses for state employees.

We heard from Raul in Chicago, who told us to take a second look at the cost of big state contracts.

We heard from Tom in Naperville, who told us to enact meaningful public pension reform.

Those comments -- and thousands more like them -- helped to shape every part of this budget that I am presenting today.

And we will continue to use the tools of electronic democracy to bring in new, creative ideas from the public.

So I thank the people of Illinois for their good ideas and their good sense.

Following the advice of thousands of Illinoisans, the cuts I am proposing today include \$214 million in spending reductions for state operations.

We can also save another \$300 million in the coming year -- and billions more in the years to come -- by stabilizing our public pension systems.

My budget also calls for a \$300 million reduction in the amount of income tax revenue the state shares with local governments.

And finally – and this is the most painful cut of all- we must reduce spending on elementary, secondary and higher education by 1.3 billion dollars.

That represents a 17 percent cut in state funding to grammar schools and high schools.

I am making this cut with the great reluctance, and only because the current fiscal emergency leaves me no choice.

These cuts are the unavoidable consequence of a bipartisan refusal – year after year -- to confront fiscal reality.

But even with all of these difficult cuts, we cannot make ends meet in the coming fiscal year without further action.

We also need to make wise use of our borrowing power until the economy recovers and state revenues improve.

Again, I know there are some critics who say that the State of Illinois should not borrow any more money.

But when we fail to pay our bills, we are basically borrowing money from public schools, colleges, social service agencies, small business owners, and other community partners throughout Illinois.

And under the law, we are required to pay 12 percent annual interest on many of those late payments. Paying our bills late is not right, and it's not smart. So instead of forcing our vendors to float us a loan, the State of Illinois needs to borrow money strategically -- at reasonable market interest rates.

That way, the state saves millions of dollars in reduced interest payments -- and our vendors won't have to figure out how to make payroll while they're waiting month after month for payment from the state.

Another key to our budget proposal is bringing more federal dollars back to Illinois.

Over the past year, we've done an excellent job in winning federal dollars -- putting thousands of people in Illinois back to work.

We're going to keep working in partnership with President Obama and our congressional delegation to make sure Illinois gets its fair share of the dollars we send to Washington.

But we need to do even more to help turn our economy around -- and to build a long-term solution to our state's chronic fiscal problems.

Our top priority for the coming year must be creating jobs for the people of Illinois.

More jobs mean more tax revenues -- and less spending on unemployment, Medicaid and other social programs.

We want to make sure there's a job for every living, breathing person in Illinois who wants to work.

That's why I'm committed to Illinois Jobs Now! -- our state's first comprehensive public works program in more than a decade.

By combining state and federal resources, we are creating and supporting more than 400,000 new jobs in Illinois.

Repairing our roads, making our bridges safe, improving our water systems, modernizing our rail network, and building 21st century schools.

Over the past year, we've had some real successes in working with Illinois businesses to create and preserve jobs.

This year, Illinois was the winner when Ford Motor Company was looking for a place to produce the new Explorer S-U-V.

We beat every other state in the nation -- and every province in Canada.

As a result, Ford is investing hundreds of millions of dollars in its Illinois Assembly plant -- and creating 1,200 new manufacturing jobs to build the new fuel-efficient Ford Explorer right here in Illinois.

When we took action to help Keystone Steel and Wire in Bartonville, we saved hundreds of jobs -- and helped a company founded in 1889 keep its doors open.

And by developing a package that combined a targeted investment of state dollars with \$91 million in private funds, we made it possible for UPS to improve and modernize major facilities in Illinois.

And we saved at least 3,000 jobs in our state.

But we can do even more to support Illinois businesses and create jobs.

Today, I am proposing the Illinois Small Business Job Creation Tax Credit.

It will provide a \$2,500 tax credit for each full-time job a small business creates in Illinois over the next year.

This credit will be limited to businesses with 50 or fewer employees.

Those small businesses are the backbone of our state's economy -- and the key to our economic recovery.

We need to make sure they have the resources they need to grow and prosper.

Small business means big business in Illinois.

The Illinois Small Business Job Creation Tax Credit will help to create 20,000 new jobs.

And as we're creating those jobs, we must make sure that everyone gets a fair share of the benefits of economic recovery.

So I pledge to the working men and women of Illinois that, as we rebuild our state economy, we will defend the minimum wage.

We will fight to make sure everyone receives equal pay for equal work.

And we will never, ever allow workplace discrimination against good, hard-working men and women in the Land of Lincoln.

Finally -- I have one proposal that is not included in our budget plan.

I know that conventional wisdom says that it is impossible to pass new revenue in an election year.

But I also know that the people of Illinois share my conviction that education represents the best possible investment we can make.

Education is the key to Economic Opportunity.

Here are the plain facts:

In the current fiscal year, the federal stimulus program provided One Billion dollars in emergency funding for education in Illinois.

Those federal dollars made it possible to protect our education system from severe cuts in the current budget.

But those federal stimulus funds for education will end on July 1, 2010 --this year -- and right now, we do not have the revenues to replace those federal dollars.

I think it is wrong – and short-sighted – to cut education funding.

I do not believe that the people of Illinois want our young children crammed into overcrowded classrooms.

I do not believe the people of Illinois want to see promising young students forced out of college.

I do not believe the people of Illinois want us to balance our budget today by sacrificing the future of a generation of children.

So I am challenging you today to consider a wise and responsible alternative to damaging cuts in education funding.

My alternative is a one percent income tax surcharge for education.

That 1 percent will be enough to restore our education budget to current levels – and allow us to get caught up on some of the millions of dollars we owe to our public schools, community colleges and four-year universities.

I believe this 1 percent for education makes sense – and I think the people of Illinois will understand.

We must invest in the future – even in these tough economic times.

This is urgent.

We don't have six months.

We don't have six weeks.

I challenge the General Assembly to take immediate action to enact the 1 percent for education initiative.

If we can enact this emergency rescue plan promptly – we can keep 17,000 committed teachers from getting layoff notices in the next few weeks.

In every community in Illinois, there are parents sitting up late at night, at their kitchen tables, trying to figure out how to get through these tough times without sacrificing their kids education – their children's future.

We cannot walk away from teaching our kids.

In America, in Illinois, we adults sacrifice some of our present in order to help our children's future.

We are custodians of their future.

It might seem easy to close our eyes, cross our fingers, and kick the can down the road.

But we can't do that.

The cost of doing nothing is too great.

I have made some difficult, painful choices in this budget.

You must make some tough choices as well.

Either by approving a plan for new education revenue.

Or by passing a budget that will starve public education at every level in every community in Illinois and force property taxes even higher.

We have a tough fight ahead of us. But I believe we can get through this difficult year together.

We cannot lose faith in the future of our state. The people of Illinois have been through tough times before.

We are strong; we are faithful; and we can meet every challenge that comes our way.

So let's work together and pass a budget that will get us through this fiscal year.

We can create new opportunities to improve our economy, increase our prosperity and get our fiscal house in order.

We must never give up. We will prevail.

Today, in every corner of Illinois, families are facing tough times and tough decisions.

They're not giving up.

They're fighting with their heart and soul.

They're fighting for the future of their children.

We don't have time for any more partisan battles or tactical politics.

So as we tackle this budget, let's remember:

We are fighting for our children, our jobs, and the future of our state.

We are fighting for Illinois.

Together, we can win.

And Make the Will of the People the Law of the Land.

Thank you.

At the hour of 12:25 o'clock p.m., President Cullerton moved that the Joint Assembly do now arise.
The motion prevailed.

The Senate having withdrawn, the House resumed its session.
Speaker of the House Madigan in the Chair.

RECALL

At the request of the principal sponsor, Representative Lang, HOUSE BILL 5820 was recalled from the order of Third Reading to the order of Second Reading.

HOUSE BILLS ON SECOND READING

HOUSE BILL 5820. Having been recalled on March 10, 2010, to the order of Second Reading, the same was again taken up.

Representative Lang offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 5820 on page 1, in line 5, by replacing "and 7-53" with "7-53, and 24B-6"; and on page 22, by inserting below line 17 the following:
"(10 ILCS 5/24B-6)

Sec. 24B-6. Ballot Information; Arrangement; Electronic Precinct Tabulation Optical Scan Technology Voting System; Absentee Ballots; Spoiled Ballots. The ballot information, shall, as far as practicable, be in the order of arrangement provided for paper ballots, except that the information may be in vertical or horizontal rows, or on a number of separate pages or displays on the marking device. Ballots for all questions or propositions to be voted on should be provided in a similar manner and must be arranged on the ballot sheet or marking device in the places provided for such purposes. Ballots shall be of white paper unless provided otherwise by administrative rule of the State Board of Elections or otherwise specified.

All propositions, including but not limited to propositions calling for a constitutional convention, constitutional amendment, judicial retention, and public measures to be voted upon shall be placed on separate portions of the ballot sheet or marking device by utilizing borders or grey screens. Candidates shall be listed on a separate portion of the ballot sheet or marking device by utilizing borders or grey screens. Whenever a person has submitted a declaration of intent to be a write-in candidate as required in Sections 17-16.1 and 18-9.1, a line or lines on which the voter may select a write-in candidate shall be printed below the name of the last candidate nominated for such office. Such line or lines shall be proximate to an area provided for marking votes for the write-in candidate or candidates. The number of write-in lines for an office shall equal the number of persons who have filed declarations of intent to be write-in candidates plus an additional line or lines for write-in candidates who qualify to file declarations to be write-in candidates under Sections 17-16.1 and 18-9.1 when the certification of ballot contains the words "OBJECTION PENDING" next to the name of that candidate, up to the number of candidates for which a voter may vote. In the case of write-in lines for the offices of Governor and Lieutenant Governor, 2 lines shall be printed within a bracket and a single square shall be printed in front of the bracket. More than one amendment to the constitution may be placed on the same portion of the ballot sheet or marking device. Constitutional convention or constitutional amendment propositions shall be printed or displayed on a separate portion of the ballot sheet or marking device and designated by borders or grey screens, unless otherwise provided by administrative rule of the State Board of Elections. More than one public measure or proposition may be placed on the same portion of the ballot sheet or marking device. More than one proposition for retention of judges in office may be placed on the same portion of the ballot sheet or marking device. Names of candidates shall be printed in black. The party affiliation of each candidate or the word "independent" shall appear near or under the candidate's name, and the names of candidates for the same office shall be listed vertically under the title of that office, on separate pages of the marking device, or as otherwise approved by the State Board of Elections. If no candidate or candidates file for an office and if no person or persons file a declaration as a write-in candidate for that office, then below the title of that office the election authority instead shall print "No Candidate". In the case of nonpartisan elections for officers of political

subdivisions, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution requires otherwise, the listing of nonpartisan candidates shall not include any party or "independent" designation. Judicial retention questions and ballot questions for all public measures and other propositions shall be designated by borders or grey screens on the ballot or marking device. In primary elections, a separate ballot, or displays on the marking device, shall be used for each political party holding a primary, with the ballot or marking device arranged to include names of the candidates of the party and public measures and other propositions to be voted upon on the day of the primary election.

If the ballot includes both candidates for office and public measures or propositions to be voted on, the election official in charge of the election shall divide the ballot or displays on the marking device in sections for "Candidates" and "Propositions", or separate ballots may be used.

Absentee ballots may consist of envelopes, paper ballots or ballot sheets voted in person in the office of the election official in charge of the election or voted by mail. Where a Precinct Tabulation Optical Scan Technology ballot is used for voting by mail it must be accompanied by voter instructions.

Any voter who spoils his or her ballot, makes an error, or has a ballot returned by the automatic tabulating equipment may return the ballot to the judges of election and get another ballot. (Source: P.A. 95-699, eff. 11-9-07; 95-862, eff. 8-19-08.)"

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 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 Ramey, HOUSE BILL 5861 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; 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 Nekritz, HOUSE BILL 5888 was taken up and read by title a third time.

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

(ROLL CALL 4)

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

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

On motion of Representative Pihos, HOUSE BILL 5891 was taken up and read by title a third time.

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

(ROLL CALL 5)

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

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

On motion of Representative Lang, HOUSE BILL 5946 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 6)

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

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

On motion of Representative Froehlich, HOUSE BILL 5958 was taken up and read by title a third time.

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

(ROLL CALL 7)

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

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

On motion of Representative Black, HOUSE BILL 6079 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.

CONCURRENCES AND NON-CONCURRENCES IN SENATE AMENDMENTS TO HOUSE BILLS

Senate Amendment No. 1 to HOUSE BILL 3785, having been reproduced, was taken up for consideration.

Representative Tryon moved that the House concur with the Senate in the adoption of Senate Amendment No. 1.

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

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

(ROLL CALL 9)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 1 to HOUSE BILL 3785.

Ordered that the Clerk inform the Senate.

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 354.

HOUSE BILL 4580. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Vehicles & Safety, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4580 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 6-205 and 6-206 as follows: (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

Sec. 6-205. Mandatory revocation of license or permit; Hardship cases.

(a) Except as provided in this Section, the Secretary of State shall immediately revoke the license, permit, or driving privileges of any driver upon receiving a report of the driver's conviction of any of the following offenses:

1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof;
3. Any felony under the laws of any State or the federal government in the commission of which a motor vehicle was used;
4. Violation of Section 11-401 of this Code relating to the offense of leaving the scene of a traffic accident involving death or personal injury;
5. Perjury or the making of a false affidavit or statement under oath to the Secretary of State under this Code or under any other law relating to the ownership or operation of motor vehicles;
6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months;
7. Conviction of any offense defined in Section 4-102 of this Code;
8. Violation of Section 11-504 of this Code relating to the offense of drag racing;
9. Violation of Chapters 8 and 9 of this Code;
10. Violation of Section 12-5 of the Criminal Code of 1961 arising from the use of a motor vehicle;
11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a peace officer;
12. Violation of paragraph (1) of subsection (b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle;
13. Violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver has been previously convicted of a violation of that Section or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense;
14. Violation of paragraph (a) of Section 11-506 of this Code or a similar provision of a local ordinance relating to the offense of street racing;
15. A second or subsequent conviction of driving while the person's driver's license, permit or privileges was revoked for reckless homicide or a similar out-of-state offense; -
16. Any offense against any provision in the Illinois Vehicle Code, or any local ordinance, regulating the movement of traffic, that has caused or contributed to an accident resulting in the death of any person. Any person whose driving privileges have been revoked pursuant to this paragraph may seek to have the revocation terminated or to have the length of revocation reduced, by requesting an administrative hearing with the Secretary of State prior to the projected driver's license application eligibility date.

(b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations:

1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code;
2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit;
3. Of any person adjudicated under the Juvenile Court Act of 1987 based on an offense determined to have been committed in furtherance of the criminal activities of an organized gang as provided in Section 5-710 of that Act, and that involved the operation or use of a motor vehicle or the use of a driver's license or permit. The revocation shall remain in effect for the period determined by the court. Upon the direction of the court, the Secretary shall issue the person a judicial driving permit, also known as a JDP. The JDP shall be subject to the same terms as a JDP issued under Section 6-206.1, except that the court may direct that a JDP issued under this subdivision (b)(3) be effective immediately.

(c)(1) Except as provided in subsection (c-5), whenever a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court may, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow the petitioner to transport himself or herself or a family member

of the petitioner's household to a medical facility for the receipt of necessary medical care or to allow the petitioner to transport himself or herself to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to classes, as a student, at an accredited educational institution, or to allow the petitioner to transport children living in the petitioner's household to and from daycare; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare; provided that the Secretary's discretion shall be limited to cases where undue hardship, as defined by the rules of the Secretary of State, would result from a failure to issue the restricted driving permit. Those multiple offenders identified in subdivision (b)4 of Section 6-208 of this Code, however, shall not be eligible for the issuance of a restricted driving permit.

(2) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 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, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(3) If:

(A) a person's license or permit is revoked or suspended 2 or more times within a 10 year period due to any combination of:

(i) a single conviction of violating Section 11-501 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, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or

(ii) a statutory summary suspension under Section 11-501.1; or

(iii) a suspension pursuant to Section 6-203.1;

arising out of separate occurrences; or

(B) a person has been convicted of one violation of Section 6-303 of this Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide where the use of alcohol or other drugs was recited as an element of the offense, or a similar provision of a law of another state;

that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(4) The person issued a permit conditioned on the use of an ignition interlock device must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$30 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(5) If the restricted driving permit is issued for employment purposes, then the prohibition against operating a motor vehicle that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes.

(6) In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance or any similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or any similar out-of-state offense, or any combination of these offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the petitioner to participate in a designated driver remedial or rehabilitative program. The Secretary of State

is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(c-5) (Blank).

(c-6) If a person is convicted of a second violation of operating a motor vehicle while the person's driver's license, permit or privilege was revoked, where the revocation was for a violation of Section 9-3 of the Criminal Code of 1961 relating to the offense of reckless homicide or a similar out-of-state offense, the person's driving privileges shall be revoked pursuant to subdivision (a)(15) of this Section. The person may not make application for a license or permit until the expiration of five years from the effective date of the revocation or the expiration of five years from the date of release from a term of imprisonment, whichever is later.

(c-7) If a person is convicted of a third or subsequent violation of operating a motor vehicle while the person's driver's license, permit or privilege was revoked, where the revocation was for a violation of Section 9-3 of the Criminal Code of 1961 relating to the offense of reckless homicide or a similar out-of-state offense, the person may never apply for a license or permit.

(d)(1) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under paragraph (b) of Section 6-118, the Secretary of State, in his discretion, may reinstate the petitioner's driver's license and driving privileges, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each.

(2) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 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, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(3) If a person's license or permit is revoked or suspended 2 or more times within a 10 year period due to any combination of:

(A) a single conviction of violating Section 11-501 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, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or

(B) a statutory summary suspension under Section 11-501.1; or

(C) a suspension pursuant to Section 6-203.1;

arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(4) The person issued a permit conditioned upon the use of an interlock device must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$30 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(5) If the restricted driving permit is issued for employment purposes, then the prohibition against driving a vehicle that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes.

(6) A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be

deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit.

(d-5) The revocation of the license, permit, or driving privileges of a person convicted of a third or subsequent violation of Section 6-303 of this Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar provision of a law of another state, is permanent. The Secretary may not, at any time, issue a license or permit to that person.

(e) This Section is subject to the provisions of the Driver License Compact.

(f) Any revocation imposed upon any person under subsections 2 and 3 of paragraph (b) that is in effect on December 31, 1988 shall be converted to a suspension for a like period of time.

(g) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been revoked under any provisions of this Code.

(h) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by a person who has been convicted of a second or subsequent offense under Section 11-501 of this Code or a similar provision of a local ordinance. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$30 for each month that he or she uses the device. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system, the amount of the fee, and the procedures, terms, and conditions relating to these fees.

(i) (Blank).

(j) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been revoked, suspended, cancelled, or disqualified under any provisions of this Code.

(Source: P.A. 95-310, eff. 1-1-08; 95-337, eff. 6-1-08; 95-377, eff. 1-1-08; 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-848, eff. 1-1-09; 95-876, eff. 8-21-08; 96-328, eff. 8-11-09; 96-607, eff. 8-24-09.)

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;
2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;
3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;
4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in ~~death or~~ injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;
5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;
6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;
7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;
8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;
9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;
10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;
11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a monitoring device driving permit, judicial driving permit issued prior to January 1,

2009, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be

suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code;

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

37. Has committed a violation of subsection (c) of Section 11-907 of this Code that resulted in damage to the property of another or the death or injury of another;

38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance;

39. Has committed a second or subsequent violation of Section 11-1201 of this Code;

40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code;

41. Has committed a second or subsequent violation of Section 11-605.1 of this Code within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days;

42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code;

43. Has received a disposition of court supervision for a violation of subsection (a), (d), or (e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance, in which case the suspension shall be for a period of 3 months;

44. Is under the age of 21 years at the time of arrest and has been convicted of an offense against traffic regulations governing the movement of vehicles after having previously had his or her driving privileges suspended or revoked pursuant to subparagraph 36 of this Section; or

45. Has, in connection with or during the course of a formal hearing conducted under Section 2-118 of this Code: (i) committed perjury; (ii) submitted fraudulent or falsified documents; (iii) submitted documents that have been materially altered; or (iv) submitted, as his or her own, documents that were in fact prepared or composed for another person.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All

other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship (as defined by the rules of the Secretary of State), issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow the petitioner to transport himself or herself, or a family member of the petitioner's household to a medical facility, to receive necessary medical care, to allow the petitioner to transport himself or herself to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to classes, as a student, at an accredited educational institution, or to allow the petitioner to transport children living in the petitioner's household to and from daycare. The petitioner must demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare. Those multiple offenders identified in subdivision (b)4 of Section 6-208 of this Code, however, shall not be eligible for the issuance of a restricted driving permit.

(A) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 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, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(B) If a person's license or permit is revoked or suspended 2 or more times within a 10 year period due to any combination of:

(i) a single conviction of violating Section 11-501 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, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or

(ii) a statutory summary suspension under Section 11-501.1; or

(iii) a suspension under Section 6-203.1;

arising out of separate occurrences; that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(C) The person issued a permit conditioned upon the use of an ignition interlock device must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$30 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(D) If the restricted driving permit is issued for employment purposes, then the prohibition against operating a motor vehicle that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes.

(E) In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance or any similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-3) In the case of a suspension under paragraph 43 of subsection (a), reports received by the Secretary of State under this Section shall, except during the actual time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, the driver licensing administrator of any other state, the Secretary of State, or the parent or legal guardian of a driver under the age of 18. However, beginning January 1, 2008, if the person is a CDL holder, the suspension shall also be made available to the driver licensing administrator of any other state, the U.S. Department of Transportation, and the affected driver or motor carrier or prospective motor carrier upon request.

(c-4) In the case of a suspension under paragraph 43 of subsection (a), the Secretary of State shall notify the person by mail that his or her driving privileges and driver's license will be suspended one month after the date of the mailing of the notice.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 21 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(f) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended, revoked, cancelled, or disqualified under any provisions of this Code.

(Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382, eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848, eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328, eff. 8-11-09; 96-607, eff. 8-24-09.)"

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 4583. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Juvenile Justice Reform, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4583 by replacing everything after the enacting clause with the following:

"Section 5. The Juvenile Court Act of 1987 is amended by changing Sections 3-1, 3-7, and 3-15 and by adding Section 3-40 as follows:

(705 ILCS 405/3-1) (from Ch. 37, par. 803-1)

Sec. 3-1. Jurisdictional facts. Proceedings may be instituted under this Article concerning boys and girls who require authoritative intervention as defined in Section 3-3, ~~or~~ who are truant minors in need of supervision as defined in Section 3-33.5, or who are minors involved in electronic dissemination of indecent visual depictions in need of supervision as defined in Section 3-40.

(Source: P.A. 94-1011, eff. 7-7-06.)

(705 ILCS 405/3-7) (from Ch. 37, par. 803-7)

Sec. 3-7. Taking into temporary custody.

(1) A law enforcement officer may, without a warrant, take into temporary custody a minor (a) whom the officer with reasonable cause believes to be a minor requiring authoritative intervention; (b) who has been adjudged a ward of the court and has escaped from any commitment ordered by the court under this Act; or (c) who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment or hospitalization; or (d) whom the officer with reasonable cause believes to be minor in need of supervision under Section 3-40.

(2) Whenever a petition has been filed under Section 3-15 and the court finds that the conduct and behavior of the minor may endanger the health, person, welfare, or property of himself or others or that the circumstances of his home environment may endanger his health, person, welfare or property, a warrant may be issued immediately to take the minor into custody.

(3) The taking of a minor into temporary custody under this Section is not an arrest nor does it constitute a police record.

(4) No minor taken into temporary custody shall be placed in a jail, municipal lockup, detention center, or secure correctional facility.

(Source: P.A. 87-1154.)

(705 ILCS 405/3-15) (from Ch. 37, par. 803-15)

Sec. 3-15. Petition; supplemental petitions.

(1) Any adult person, any agency or association by its representative may file, or the court on its own motion may direct the filing through the State's Attorney of a petition in respect to a minor under this Act. The petition and all subsequent court documents shall be entitled "In the interest of ..., a minor".

(2) The petition shall be verified but the statements may be made upon information and belief. It shall allege that the minor requires authoritative intervention or supervision and set forth (a) facts sufficient to bring the minor under Section 3-3, ~~or 3-33.5~~, or 3-40; (b) the name, age and residence of the minor; (c) the names and residences of his parents; (d) the name and residence of his legal guardian or the person or persons having custody or control of the minor, or of the nearest known relative if no parent or guardian can be found; and (e) if the minor upon whose behalf the petition is brought is sheltered in custody, the date on which shelter care was ordered by the court or the date set for a shelter care hearing. If any of the facts herein required are not known by the petitioner, the petition shall so state.

(3) The petition must allege that it is in the best interests of the minor and of the public that he be adjudged a ward of the court and may pray generally for relief available under this Act. The petition need not specify any proposed disposition following adjudication of wardship.

(4) If appointment of a guardian of the person with power to consent to adoption of the minor under Section 3-30 is sought, the petition shall so state.

(5) At any time before dismissal of the petition or before final closing and discharge under Section 3-32, one or more supplemental petitions may be filed in respect to the same minor.

(Source: P.A. 94-1011, eff. 7-7-06.)

(705 ILCS 405/3-40 new)

Sec. 3-40. Minors involved in electronic dissemination of indecent visual depictions in need of supervision.

(a) For the purposes of this Section:

"Computer" has the meaning ascribed to it in Section 16D-2 of the Criminal Code of 1961.

"Electronic communication device" means an electronic device, including but not limited to a wireless telephone, personal digital assistant, or a portable or mobile computer, that is capable of transmitting images or pictures.

"Indecent visual depiction" means a depiction or portrayal in any pose, posture, or setting involving a lewd exhibition of the unclothed or transparently clothed genitals, pubic area, buttocks, or, if such person is female, a fully or partially developed breast of the person.

"Minor" means a person under 18 years of age.

(b) A minor shall not knowingly and voluntarily and without threat or coercion use a computer or electronic communication device to transmit an indecent visual depiction of himself or herself to another person.

(c) A minor shall not possess an indecent visual depiction of another minor that was transmitted to the minor in violation of subsection (b) of this Section. It is not a violation of this subsection if the minor took reasonable steps, whether successful or not, to destroy or eliminate the visual depiction within a reasonable

time after discovering the depiction.

(d) A minor shall not possess an indecent visual depiction of another minor in violation of subsection (c) and distribute or disseminate the depiction through the use of a computer or electronic communication device.

(e) Adjudication. A minor who violates subsection (b), (c), or (d) of this Section may be subject to a petition for adjudication and adjudged a minor in need of supervision.

(f) Kinds of dispositional orders. A minor found to be in need of supervision under this Section may be:

(1) ordered to obtain counseling or other supportive services to address the acts that led to the need for supervision; or

(2) ordered to perform community service.

(g) Orders entered under this Section may be enforced by contempt proceedings.

(h) Nothing in this Section shall be construed to prohibit a prosecution for disorderly conduct, public indecency, child pornography, a violation of the Harassing and Obscene Communications Act, or any other applicable provision of law."

AMENDMENT NO. 2. Amend House Bill 4583, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Juvenile Court Act of 1987 is amended by changing Sections 3-1, 3-7, and 3-15 and by adding Section 3-40 as follows:

(705 ILCS 405/3-1) (from Ch. 37, par. 803-1)

Sec. 3-1. Jurisdictional facts. Proceedings may be instituted under this Article concerning boys and girls who require authoritative intervention as defined in Section 3-3, ~~or~~ who are truant minors in need of supervision as defined in Section 3-33.5, or who are minors involved in electronic dissemination of indecent visual depictions in need of supervision as defined in Section 3-40.

(Source: P.A. 94-1011, eff. 7-7-06.)

(705 ILCS 405/3-7) (from Ch. 37, par. 803-7)

Sec. 3-7. Taking into temporary custody.

(1) A law enforcement officer may, without a warrant, take into temporary custody a minor (a) whom the officer with reasonable cause believes to be a minor requiring authoritative intervention; (b) who has been adjudged a ward of the court and has escaped from any commitment ordered by the court under this Act; or (c) who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment or hospitalization; or (d) whom the officer with reasonable cause believes to be minor in need of supervision under Section 3-40.

(2) Whenever a petition has been filed under Section 3-15 and the court finds that the conduct and behavior of the minor may endanger the health, person, welfare, or property of himself or others or that the circumstances of his home environment may endanger his health, person, welfare or property, a warrant may be issued immediately to take the minor into custody.

(3) The taking of a minor into temporary custody under this Section is not an arrest nor does it constitute a police record.

(4) No minor taken into temporary custody shall be placed in a jail, municipal lockup, detention center, or secure correctional facility.

(Source: P.A. 87-1154.)

(705 ILCS 405/3-15) (from Ch. 37, par. 803-15)

Sec. 3-15. Petition; supplemental petitions.

(1) Any adult person, any agency or association by its representative may file, or the court on its own motion may direct the filing through the State's Attorney of a petition in respect to a minor under this Act. The petition and all subsequent court documents shall be entitled "In the interest of ..., a minor".

(2) The petition shall be verified but the statements may be made upon information and belief. It shall allege that the minor requires authoritative intervention or supervision and set forth (a) facts sufficient to bring the minor under Section 3-3, ~~or~~ 3-33.5, or 3-40; (b) the name, age and residence of the minor; (c) the names and residences of his parents; (d) the name and residence of his legal guardian or the person or persons having custody or control of the minor, or of the nearest known relative if no parent or guardian can be found; and (e) if the minor upon whose behalf the petition is brought is sheltered in custody, the date on which shelter care was ordered by the court or the date set for a shelter care hearing. If any of the facts herein required are not known by the petitioner, the petition shall so state.

(3) The petition must allege that it is in the best interests of the minor and of the public that he be adjudged a ward of the court and may pray generally for relief available under this Act. The petition need

not specify any proposed disposition following adjudication of wardship.

(4) If appointment of a guardian of the person with power to consent to adoption of the minor under Section 3-30 is sought, the petition shall so state.

(5) At any time before dismissal of the petition or before final closing and discharge under Section 3-32, one or more supplemental petitions may be filed in respect to the same minor.

(Source: P.A. 94-1011, eff. 7-7-06.)

(705 ILCS 405/3-40 new)

Sec. 3-40. Minors involved in electronic dissemination of indecent visual depictions in need of supervision.

(a) For the purposes of this Section:

"Computer" has the meaning ascribed to it in Section 16D-2 of the Criminal Code of 1961.

"Electronic communication device" means an electronic device, including but not limited to a wireless telephone, personal digital assistant, or a portable or mobile computer, that is capable of transmitting images or pictures.

"Indecent visual depiction" means a depiction or portrayal in any pose, posture, or setting involving a lewd exhibition of the unclothed or transparently clothed genitals, pubic area, buttocks, or, if such person is female, a fully or partially developed breast of the person.

"Minor" means a person under 18 years of age.

(b) A minor shall not distribute or disseminate an indecent visual depiction of another minor through the use of a computer or electronic communication device.

(c) Adjudication. A minor who violates subsection (b) of this Section may be subject to a petition for adjudication and adjudged a minor in need of supervision.

(d) Kinds of dispositional orders. A minor found to be in need of supervision under this Section may be:

(1) ordered to obtain counseling or other supportive services to address the acts that led to the need for supervision; or

(2) ordered to perform community service.

(e) Nothing in this Section shall be construed to prohibit a prosecution for disorderly conduct, public indecency, child pornography, a violation of the Harassing and Obscene Communications Act, or any other applicable provision of law."

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

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 4663.

HOUSE BILL 4691. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Vehicles & Safety, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4691, on page 1, line by replacing "insurance" with "transportation"; and

by replacing everything after the enacting clause with the following:

"Section 5. The Child Passenger Protection Act is amended by changing Section 6 and by adding Section 6a as follows:

(625 ILCS 25/6) (from Ch. 95 1/2, par. 1106)

Sec. 6. A violation of this Act is a petty offense punishable by a fine of \$100. The fine for a violation of Section 4 of this Act shall be ~~not more than \$50~~ waived upon proof of possession of an approved child restraint system, as defined under this Act, and proof of completion of a Child Passenger Safety Certification (CPSC) instructional course on the installation of a child restraint system pursuant to Section 6a of this Act. A subsequent violation of this Act is a petty offense punishable by a fine of \$500 that may not be waived ~~not more than \$100~~.

(Source: P.A. 92-173, eff. 1-1-02.)

(625 ILCS 25/6a new)

Sec. 6a. Child Passenger Safety Certification (CPSC) instructional course; child restraint system

inspection procedure.

(a) As used in this Section, "technician" means a person who has successfully completed the U.S. Department of Transportation National Highway Traffic Safety Administration's (NHTSA) standardized National Child Passenger Safety Certification Training Program and who maintains a current child passenger safety technician or technician instructor certification through the current certifying body for the National Child Passenger Safety Training Program as designated by the NHTSA.

(b) A person in violation of Section 4 of this Act may schedule an inspection with a technician. At the time of scheduling, the technician shall notify the person that the child restraint system inspection must be completed prior to the mandatory court appearance date on the person's citation for a violation of Section 4 of this Act.

(c) Prior to beginning the inspection, the person must present a copy of the citation of a violation of Section 4 of this Act to the technician.

(d) The technician shall be observant for any citations with the notation "no safety seat" in the notes field and discuss with the person, for the purpose of determining the person's need for a child restraint system, the person's reasons for not transporting the child in a child restraint system.

(e) Upon completion of the CPSC instructional course to the satisfaction of the technician conducting the inspection, a letter shall be issued to the person for presentation in court. The letter shall:

(1) be printed on the technician's letterhead;

(2) indicate that the person has voluntarily participated in the CPSC instructional course and received instruction from a technician regarding the proper use of the person's child restraint system; and

(3) include (i) the date the inspection was completed, (ii) the citation number presented to the technician under this Section, (iii) the county in which the citation was issued, and (iv) the technician's signature and technician number.

(f) Upon completion of the inspection and instruction, the technician shall issue a copy of the CPSC participation letter to the person."

Representative Zalewski offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4691, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, by replacing lines 8 through 15 with the following:

"(625 ILCS 25/6) (from Ch. 95 1/2, par. 1106)

Sec. 6. Penalty.

(a) A first violation of this Act is a petty offense punishable by a fine of \$100.

(b) Except as provided in subsection (d) of this Section, a person charged with a violation of Section 4 of this Act shall not be convicted if the person produces in court satisfactory evidence ~~not more than \$50 waived upon proof~~ of possession of an approved child restraint system, as defined under this Act, and proof of completion of a Child Passenger Safety Certification (CPSC) instructional course on the installation of a child restraint system pursuant to Section 6a of this Act. The chief judge of each circuit may designate an officer of the court to review the documentation demonstrating that a person charged with a violation of Section 4 of this Act is in possession of an approved child restraint system and has completed a Child Passenger Safety Certification (CPSC) instructional course.

(c) A second or subsequent violation of this Act is a petty offense punishable by a fine of \$500 ~~not more than \$100.~~

(d) Subsection (b) of this Section shall not apply in the case of a second or subsequent violation of this Act.

(Source: P.A. 92-173, eff. 1-1-02.)"; and
on page 2, by deleting lines 1 through 4.

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

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

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 4699 and 4703.

HOUSE BILL 4722. Having been read by title a second time on February 16, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Feigenholtz offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 4722 as follows:

on page 1, by replacing lines 19 through 21 with the following:

"(a) Subject to subsections (b) and (c) of this Section, a manufacturer, processor, distributor, recycler, or seller of an engine coolant or antifreeze containing denatonium benzoate at a minimum of 30 parts per million and a maximum of 50 parts per million shall not be liable, except for willful and wanton misconduct, to any person for personal injury, death, property damage, damage to the environment, damage to natural resources, or economic loss where the inclusion of denatonium benzoate in any engine coolant or antifreeze was the sole cause of the personal injury, death, property damage, damage to the environment, damage to natural resources, or economic loss."; and

on page 2, by deleting lines 1 through 7; and

on page 2, by replacing lines 8 through 12 with the following:

"(b) Subsection (a) of this Section shall be strictly construed and shall not apply to manufacturers, distributors, recyclers, or sellers of denatonium benzoate prior to its dilution with an engine coolant or antifreeze, or in dilutions with antifreeze or engine coolant of less than 30 parts per million or more than 50 parts per million.

(c) Subsection (a) of this Section shall apply only to causes of action accruing on or after the effective date of this Act."; and

on page 3, by inserting immediately below line 8 the following:

"Section 99. Effective date. This Act takes effect July 1, 2011."

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 4737. Having been reproduced, was taken up and read by title a second time.

Floor Amendment No. 1 remained in the Committee on Rules.

Representative Hannig offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4737 by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by adding Section 6.11A as follows:

(5 ILCS 375/6.11A new)

Sec. 6.11A. Physical therapy and occupational therapy.

(a) The program of health benefits provided under this Act shall provide coverage for medically necessary physical therapy and occupational therapy ordered or referred by a physician licensed under the Medical Practice Act of 1987, a physician's assistant licensed under the Physician's Assistant Practice Act of 1987, or an advanced practice nurse licensed under the Nurse Practice Act.

(b) For the purpose of this Section, "medically necessary" means any care, treatment, intervention, service, or item that will or is reasonably expected to:

(i) prevent the onset of an illness, condition, injury, disease, or disability;

(ii) reduce or ameliorate the physical, mental, or developmental effects of an illness, condition, injury, disease, or disability; or

(iii) assist the achievement or maintenance of maximum functional activity in performing daily activities.

(c) The coverage required under this Section shall be subject to the same deductible, coinsurance, waiting period, cost sharing limitation, treatment limitation, calendar year maximum, or other limitations as provided for other physical or rehabilitative or occupational therapy benefits covered by the policy.

(d) Upon request of the reimbursing insurer, the provider of the physical therapy or occupational therapy shall furnish medical records, clinical notes, or other necessary data that substantiate that initial or continued treatment is medically necessary and is resulting in approved clinical status. When treatment is anticipated to require continued services to achieve demonstrable progress, the insurer may request a treatment plan consisting of the diagnosis, proposed treatment by type, proposed frequency of treatment, anticipated duration of treatment, anticipated outcomes stated as goals, and proposed frequency of updating the treatment plan.

(e) When making a determination of medical necessity for treatment, an insurer must make the determination in a manner consistent with the manner in which that determination is made with respect to other diseases or illnesses covered under the policy, including an appeals process. During the appeals process, any challenge to medical necessity may be viewed as reasonable only if the review includes a licensed health care professional with the same category of license as the professional who ordered or referred the service in question and with expertise in the most current and effective treatment."

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

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

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 4769.

HOUSE BILL 4778. Having been reproduced, was taken up and read by title a second time. Representative Moffitt offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 4778 on page 9, by inserting below line 9 the following: "Section 98. Applicability. The changes made by this amendatory Act of the 96th General Assembly apply beginning with the 2011 registration year."

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 4812. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Agriculture & Conservation, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4812 as follows:
on page 1, by deleting lines 4 through 7; and
on page 1, line 9, by replacing "Sections 13.1 and 13.3" with "Section 13.1"; and
on page 1, by deleting lines 18 through 20; and
on page 2, by deleting lines 1 through 16.

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 4817.

HOUSE BILL 4835. Having been recalled on February 23, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Reis offered and withdrew Amendment No. 1.

Representative Reis offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 4835 on page 3, line 2, by replacing ";" with "15"; and on page 3, line 3, by inserting after "firearm" the following:
"and another operable firearm" means any operable handgun in exchange for any operable handgun or any operable long gun in exchange for any operable long gun".

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

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

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 4836 and 4859.

HOUSE BILL 4922. Having been reproduced, was taken up and read by title a second time.
The following amendment was offered in the Committee on Human Services, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4922 by replacing everything after the enacting clause with the following:

"Section 5. The Senior Pharmaceutical Assistance Act is amended by changing Section 15 as follows:
(320 ILCS 50/15)

Sec. 15. Senior Pharmaceutical Assistance Review Committee.

(a) The Senior Pharmaceutical Assistance Review Committee is created. The Committee shall consist of 17 members as follows:

(1) Twelve members appointed as follows: 2 members of the General Assembly and 1 member of the general public, appointed by the President of the Senate; 2 members of the General Assembly and 1 member of the general public, appointed by the Minority Leader of the Senate; 2 members of the General Assembly and 1 member of the general public, appointed by the Speaker of the House of Representatives; and 2 members of the General Assembly and 1 member of the general public, appointed by the Minority Leader of the House of Representatives. These members shall serve at the pleasure of the appointing authority.

(2) The Director of Aging or his or her designee.

(3) The Director of Revenue or his or her designee.

(4) The Director of Healthcare and Family Services or his or her designee.

(5) The Secretary of Human Services or his or her designee.

(6) The Director of Public Health or his or her designee.

(b) Members appointed from the general public shall represent the following associations, organizations, and interests: statewide membership-based senior advocacy organizations, pharmaceutical manufacturers, pharmacists, dispensing pharmacies, physicians, and providers of services to senior citizens. No single organization may have more than one representative appointed as a member from the general public.

(c) The President of the Senate and Speaker of the House of Representatives shall each designate one member of the Committee to serve as co-chairs.

(d) Committee members shall serve without compensation or reimbursement for expenses.

(e) The Committee shall meet at the call of the co-chairs, but at least quarterly.

(f) The Committee may conduct public hearings to gather testimony from interested parties regarding pharmaceutical assistance for Illinois seniors, including changes to existing and proposed programs.

(f-5) The Committee may review federal legislation with regard to e-prescribing to determine what provisions, if any, would improve health care in Illinois.

(f-6) The Committee may conduct public hearings to gather testimony regarding federal procedure for

pandemic preparedness and response to determine whether or not the State should update its preparedness procedures and tactics.

(g) The Committee may advise appropriate State agencies regarding the establishment of proposed programs or changes to existing programs. The State agencies shall take into consideration any recommendations made by the Committee.

(h) The Committee shall report to the General Assembly and the Governor annually or as it deems necessary regarding proposed or recommended changes to pharmaceutical assistance programs that benefit Illinois seniors and any associated costs of those changes.

(h-5) The Committee may conduct public hearings to gather testimony from interested parties regarding prescription drug abuse to determine whether the State should increase penalties against those engaged in conduct potentially harmful to Illinois residents, particularly those under age 25. In order to do this, the Committee may review guidelines from State universities addressing prescription drug abuse.

(i) In the event that a prescription drug benefit is added to the federal Medicare program, the Committee shall make recommendations for the realignment of State-operated senior prescription drug programs so that Illinois residents qualify for at least substantially the same level of benefits available to them prior to implementation of the Medicare prescription drug benefit, provided that a resident remains eligible for such a State-operated program. The Committee shall report its recommendations to the General Assembly and the Governor by January 1, 2005.

(Source: P.A. 95-331, eff. 8-21-07.)

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

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

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 4934 and 4940.

HOUSE BILL 4960. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 4960, on page 1, line 5, by deleting "7-175.1"; and on page 16, by deleting lines 2 through 24.

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 4972.

HOUSE BILL 4987. 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 4987 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 18c-7502 as follows:

(625 ILCS 5/18c-7502) (from Ch. 95 1/2, par. 18c-7502)

Sec. 18c-7502. Malicious removal of or damage to railroad property or freight.

(a) Malicious removal of or damage to railroad property or freight.

A person is guilty of an offense if he or she is found to have:

(i) removed, taken, stolen, changed, added to, taken from, or in any manner changed,

defaced, or interfered with any of the parts or attachments of any locomotive or car, or any plant or

property used in or in connection with the operation of any railroad carrier, locomotive, car, or train, or shoots, throws, or drops any object onto or at any train, locomotive, or car;

(ii) willfully and with intent to permanently deprive the owner thereof, taken or removed railroad freight from any freight car, including a boxcar, container, or flatbed; ~~or~~

(iii) bought or received any of the railroad freight described in item (ii), having reason to know that such freight was stolen; or -

(iv) willfully placed upon an active railroad track or railroad right of way any object or objects that would adversely affect safe railroad operations.

(b) Penalties.

(1) If the railroad property damage does not exceed \$500 and no bodily injury occurs to another as a result of a violation of this Section, the person shall be guilty of a Class A misdemeanor. Upon being found in violation of item (i) of subsection (a), the person shall, in addition to such other sanctions as may be deemed appropriate by the court, be subject to pay the railroad carrier involved the cost to repair any railroad property damaged, and to perform community service for not less than 30 hours or more than 120 hours. If community service is not available in the jurisdiction where the offense was committed, that person shall be subject to pay a fine of not less than \$150 or more than \$1,000, or imprisonment for not less than 5 days or more than 1 year, or both. If railroad property damage exceeds \$500 or bodily injury occurs to another as a result of a violation of this Section, the person shall be guilty of a Class 4 felony. Upon being found in violation of item (i) of subsection (a), the person shall, in addition to such other sanctions as may be deemed appropriate by the court, be subject to pay the railroad carrier involved for the cost to repair any railroad property damaged, and shall be fined not less than \$1,000, nor more than \$25,000, or imprisonment for not less than 1 year, or more than 3 years, or both. If serious bodily injury or death occurs to another as a result of a violation of item (i) of subsection (a), the person shall be guilty of a Class 2 felony and shall, in addition to such sanctions as may be deemed appropriate by the court, be subject to pay the railroad carrier involved the cost to repair any railroad property damaged, and shall be fined not less than \$5,000 nor more than \$25,000, or imprisonment for not less than 3 years nor more than 7 years, or both. If any such action is malicious and is the cause of wrecking any train, locomotive, or car in this State whereby the life of any person is lost, the person found guilty thereof shall be liable for first degree murder and the person shall be subject to pay the railroad carrier involved the cost to repair any railroad property damaged.

(2) Upon being found in violation of item (ii), ~~or~~ (iii), or (iv) the person shall be guilty of a Class 4 felony. In addition to such other sanctions as may be deemed appropriate by the court, the person shall be subject to pay the railroad carrier involved for the cost to repair any railroad property damaged, and shall be fined not less than \$1,000, nor more than \$25,000, or imprisoned for not less than 1 year nor more than 3 years.

(3) Local authorities shall impose fines as established in this subsection (b) for persons found in violation of this Section or any similar local ordinance.

(c) Definitions. As used in this Section:

"Bodily injury" means:

- (i) a cut, abrasion, bruise, bump, or disfigurement;
- (ii) physical pain;
- (iii) illness;
- (iv) impairment of the function of a bodily member, organ, or mental faculty; or
- (v) any other injury to the body, no matter how temporary.

"Railroad" means any form of nonhighway ground transportation that runs on rails or electromagnetic guideways, including:

(i) commuter or other short-haul railroad passenger service in a metropolitan or urban area; and

(ii) high-speed ground transportation systems that connect metropolitan areas, but does not include rapid transit operations in an urban area that are not connected to the general railroad system of transportation.

"Railroad carrier" means a person providing railroad transportation.

"Railroad property" means all tangible property owned, leased, or operated by a railroad carrier including a right of way, track, bridge, yard, shop, station, tunnel, viaduct, trestle, depot, warehouse, terminal, or any other structure, appurtenance, or equipment owned, leased, or used in the operation of any railroad carrier including trains, locomotives, engines, railroad cars, work equipment, rolling stock, or safety devices.

"Railroad property" does not include a railroad carrier's administrative buildings or offices, office equipment, or intangible property such as software or other information.

"Right of way" means the track or roadbed owned, leased, or operated by a rail carrier that is located on either side of its tracks and that is readily recognizable to a reasonable person as being railroad property or is reasonably identified as such by fencing or appropriate signs.

"Yard" means a system of parallel tracks, crossovers, and switches where railroad cars are switched and made up into trains, and where railroad cars, locomotives, and other rolling stock is kept when not in use or when awaiting repair.

"Serious bodily injury" means bodily injury that involves:

- (i) a substantial risk of death;
- (ii) extreme physical pain;
- (iii) protracted and obvious disfigurement; or
- (iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(Source: P.A. 90-691, eff. 1-1-99; 91-532, eff. 1-1-00)."

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 4990. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 4990 by replacing everything after the enacting clause with the following:

"Section 5. The Emergency Telephone System Act is amended by changing Sections 10, 11, and 15.4 and by adding Sections 2.21 and 2.22 as follows:

(50 ILCS 750/2.21 new)

Sec. 2.21. Next generation 9-1-1 (NG9-1-1). "Next generation 9-1-1" or "(NG9-1-1)" means a system comprised of managed Internet Protocol-based networks and elements that augment or replace present day 9-1-1 features and functions and add new capabilities, which may enable the public to transmit text, images, video, or data, or a combination thereof, to the 9-1-1 system.

(50 ILCS 750/2.22 new)

Sec. 2.22. Regional Pilot Project to implement next generation 9-1-1. "Regional Pilot Project" to implement next generation 9-1-1 means an experimental program designed to test the efficacy of next generation 9-1-1 (NG9-1-1) within a region that includes not less than 15 counties and not more than 19 counties with an aggregate population no greater than 500,000. Any Regional Pilot Project must be approved by the Commission and provide for an initial testing phase designed to demonstrate the ability of the technology to provide access to emergency services from new and existing sources with no reduction in existing service quality, reliability, or safety.

(50 ILCS 750/10) (from Ch. 134, par. 40)

Sec. 10. Technical and operational standards for the development of the local agency systems shall be established and reviewed by the Commission on or before December 31, 1979, after consultation with all agencies specified in Section 9.

For the limited purpose of permitting a board, governmental entity (unit of local government authorized to provide 9-1-1 services under this Act where no Emergency Telephone System Board exists), group of boards, or governmental entities to participate in a Regional Pilot Project to implement next generation 9-1-1, as defined in this Act, the Commission may forbear from applying any rule adopted under the Emergency Telephone Systems Act as it applies to conducting of the Regional Pilot Project to implement next generation 9-1-1, if the Commission determines, after notice and hearing, that:

(1) enforcement of the rule is not necessary to ensure the development and improvement of emergency communication procedures and facilities in such a manner as to be able to quickly respond to any person requesting 9-1-1 service from police, fire, medical, rescue, and other emergency services;

(2) enforcement of the rule or provision is not necessary for the protection of consumers; and

(3) forbearance from applying the provisions or rules is consistent with the public interest.

The Commission may exercise such forbearance with respect to one, and only one, Regional Pilot Project to implement next generation 9-1-1.

If the Commission authorizes a Regional Pilot Project, then telecommunications carriers shall not be liable for any civil damages as a result of any act or omission, except willful or wanton misconduct, in connection with developing, adopting, operating, or implementing any plan or system required by this Section and Section 11 of this Act.

(Source: P.A. 79-1092.)

(50 ILCS 750/11) (from Ch. 134, par. 41)

Sec. 11. Within one year after the implementation date or by January 31, 1980, whichever is later, all public agencies in a county having 100,000 or more inhabitants shall submit tentative plans of the establishment of a system required by this Act to the public utility or utilities providing public telephone service within the respective jurisdiction of each public agency. A copy of each such plan shall be filed with the Commission.

Within 2 years after the implementation date or by January 31, 1982, whichever is later, all public agencies in a county having 100,000 or more inhabitants shall submit final plans for the establishment of the system to such utilities, and shall make arrangements with such utilities for the implementation of the planned emergency telephone system no later than 3 years after the implementation date or by December 31, 1985, whichever is later. A copy of the plan required by this subdivision shall be filed with the Commission. In order to secure compliance with the standards promulgated under Section 10, the Commission shall have the power to approve or disapprove such plan, unless such plan was announced before the effective date of this Act.

If any public agency has implemented or is a part of a system required by this Act on a deadline specified in this Section, such public agency shall submit in lieu of the tentative or final plan a report describing the system and stating its operational date.

A board, governmental entity, group of boards, or qualified governmental entity involved in a Regional Pilot Project to implement next generation 9-1-1, as defined in this Act, shall submit a plan to the Commission describing in detail the Regional Pilot Project no fewer than 180 days prior to the implementation of the plan. The Commission may approve the plan after notice and hearing to authorize such Regional Pilot Project. Such shall not exceed one year duration or other time period approved by the Commission. No entity may proceed with the Regional Pilot Project until it receives Commission approval. In approving any plan for a Regional Pilot Project under this Section, the Commission may impose such terms, conditions, or requirements as, in its judgment, are necessary to protect the interests of the public.

The Commission shall have authority to approve one, and only one, Regional Pilot Project to implement next generation 9-1-1.

Plans filed under this Section shall conform to minimum standards established pursuant to Section 10.

(Source: P.A. 81-1122.)

(50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

Sec. 15.4. Emergency Telephone System Board; powers.

(a) The corporate authorities of any county or municipality that imposes a surcharge under Section 15.3 shall establish an Emergency Telephone System Board. The corporate authorities shall provide for the manner of appointment and the number of members of the Board, provided that the board shall consist of not fewer than 5 members, one of whom must be a public member who is a resident of the local exchange service territory included in the 9-1-1 coverage area, one of whom (in counties with a population less than 100,000) must be a member of the county board, and at least 3 of whom shall be representative of the 9-1-1 public safety agencies, including but not limited to police departments, fire departments, emergency medical services providers, and emergency services and disaster agencies, and appointed on the basis of their ability or experience. In counties with a population of more than 100,000 but less than 2,000,000, a member of the county board may serve on the Emergency Telephone System Board. Elected officials, including members of a county board, are also eligible to serve on the board. Members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses. Any 2 or more municipalities, counties, or combination thereof, that impose a surcharge under Section 15.3 may, instead of establishing individual boards, establish by intergovernmental agreement a Joint Emergency Telephone System Board pursuant to this Section. The manner of appointment of such a joint board shall be prescribed in the agreement.

(b) The powers and duties of the board shall be defined by ordinance of the municipality or county, or by intergovernmental agreement in the case of a joint board. The powers and duties shall include, but need not be limited to the following:

- (1) Planning a 9-1-1 system.
- (2) Coordinating and supervising the implementation, upgrading, or maintenance of the

system, including the establishment of equipment specifications and coding systems.

(3) Receiving moneys from the surcharge imposed under Section 15.3, and from any other source, for deposit into the Emergency Telephone System Fund.

(4) Authorizing all disbursements from the fund.

(5) Hiring any staff necessary for the implementation or upgrade of the system.

(6) Participating in a Regional Pilot Project to implement next generation 9-1-1, as defined in this Act, subject to the conditions set forth in this Act.

(c) All moneys received by a board pursuant to a surcharge imposed under Section 15.3 shall be deposited into a separate interest-bearing Emergency Telephone System Fund account. The treasurer of the municipality or county that has established the board or, in the case of a joint board, any municipal or county treasurer designated in the intergovernmental agreement, shall be custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund except upon the direction of the board by resolution passed by a majority of all members of the board. Expenditures may be made only to pay for the costs associated with the following:

(1) The design of the Emergency Telephone System.

(2) The coding of an initial Master Street Address Guide data base, and update and maintenance thereof.

(3) The repayment of any moneys advanced for the implementation of the system.

(4) The charges for Automatic Number Identification and Automatic Location Identification equipment, a computer aided dispatch system that records, maintains, and integrates information, mobile data transmitters equipped with automatic vehicle locators, and maintenance, replacement and update thereof to increase operational efficiency and improve the provision of emergency services.

(5) The non-recurring charges related to installation of the Emergency Telephone System and the ongoing network charges.

(6) The acquisition and installation, or the reimbursement of costs therefor to other governmental bodies that have incurred those costs, of road or street signs that are essential to the implementation of the emergency telephone system and that are not duplicative of signs that are the responsibility of the jurisdiction charged with maintaining road and street signs.

(7) Other products and services necessary for the implementation, upgrade, and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing, or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an emergency telephone system do not include the costs of public safety agency personnel who are and equipment that is dispatched in response to an emergency call.

(8) In the case of a municipality that imposes a surcharge under subsection (h) of Section 15.3, moneys may also be used for any anti-terrorism or emergency preparedness measures, including, but not limited to, preparedness planning, providing local matching funds for federal or State grants, personnel training, and specialized equipment, including surveillance cameras as needed to deal with natural and terrorist-inspired emergency situations or events.

(9) The defraying of expenses incurred in participation in a Regional Pilot Project to implement next generation 9-1-1, subject to the conditions set forth in this Act.

Moneys in the fund may also be transferred to a participating fire protection district to reimburse volunteer firefighters who man remote telephone switching facilities when dedicated 9-1-1 lines are down.

(d) The board shall complete the data base before implementation of the 9-1-1 system. The error ratio of the data base shall not at any time exceed 1% of the total data base.

(Source: P.A. 95-698, eff. 1-1-08; 95-806, eff. 1-1-09; 95-1012, eff. 12-15-08; revised 1-18-10.)

Section 10. The Public Utilities Act is amended by adding Section 13-900.1 as follows:

(220 ILCS 5/13-900.1 new)

Sec. 13-900.1. Regulatory flexibility for 9-1-1 system providers.

(a) For purposes of this Section, "Regional Pilot Project" to implement next generation 9-1-1 has the same meaning as that term is defined in Section 2.22 of the Emergency Telephone System Act.

(b) For the limited purpose of a Regional Pilot Project to implement next generation 9-1-1, as defined in Section 13-900 of this Article, the Commission may forbear from applying any rule or provision of Section 13-900 as it applies to implementation of the Regional Pilot Project to implement next generation 9-1-1 if the Commission determines, after notice and hearing, that: (1) enforcement of the rule is not necessary to ensure the development and improvement of emergency communication procedures and facilities in such a

manner as to be able to quickly respond to any person requesting 9-1-1 services from police, fire, medical, rescue, and other emergency services; (2) enforcement of the rule or provision is not necessary for the protection of consumers; and (3) forbearance from applying such provisions or rules is consistent with the public interest. The Commission may exercise such forbearance with respect to one, and only one, Regional Pilot Project as authorized by Sections 10 and 11 of the Emergency Telephone Systems Act to implement next generation 9-1-1.

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

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

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 5012, 5039, 5043 and 5044.

HOUSE BILL 5055. 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 5055 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Sections 15-1506 and 15-1507 as follows:

(735 ILCS 5/15-1506) (from Ch. 110, par. 15-1506)

Sec. 15-1506. Judgment. (a) Evidence. In the trial of a foreclosure, the evidence to support the allegations of the complaint shall be taken in open court, except:

(1) where an allegation of fact in the complaint is not denied by a party's verified answer or verified counterclaim, or where a party pursuant to subsection (b) of Section 2-610 of the Code of Civil Procedure states, or is deemed to have stated, in its pleading that it has no knowledge of such allegation sufficient to form a belief and attaches the required affidavit, a sworn verification of the complaint or a separate affidavit setting forth such fact is sufficient evidence thereof against such party and no further evidence of such fact shall be required; and

(2) where all the allegations of fact in the complaint have been proved by verification of the complaint or affidavit, the court upon motion supported by an affidavit stating the amount which is due the mortgagee, shall enter a judgment of foreclosure as requested in the complaint.

(b) Instruments. In all cases the evidence of the indebtedness and the mortgage foreclosed shall be exhibited to the court and appropriately marked, and copies thereof shall be filed with the court.

(c) Summary and Default Judgments. Nothing in this Section 15-1506 shall prevent a party from obtaining a summary or default judgment authorized by Article II of the Code of Civil Procedure.

(d) Notice of Entry of Default. When any judgment in a foreclosure is entered by default, notice of such judgment shall be given in accordance with Section 2-1302 of the Code of Civil Procedure.

(e) Matters Required in Judgment. A judgment of foreclosure shall include the last date for redemption and all rulings of the court entered with respect to each request for relief set forth in the complaint. The omission of the date for redemption shall not extend the time for redemption or impair the validity of the judgment.

(f) Special Matters in Judgment. Without limiting the general authority and powers of the court, special matters may be included in the judgment of foreclosure if sought ~~by a party~~ in the complaint or by separate motion brought by a party. Such matters may include, without limitation:

(1) a manner of sale other than public auction;

(2) a sale by sealed bid;

(3) an official or other person who shall be the officer to conduct the sale ~~other than the one customarily designated by the court;~~

(4) provisions for non-exclusive broker listings or designating a duly licensed real estate broker nominated by one of the parties to exclusively list the real estate for sale;

(5) the fees or commissions to be paid out of the sale proceeds to the listing or other duly licensed broker, if any, who shall have procured the accepted bid;

(6) the fees to be paid out of the sale proceeds to an auctioneer, if any, who shall have been authorized to conduct a public auction sale;

(7) whether and in what manner and with what content signs shall be posted on the real estate;

(8) a particular time and place at which such bids shall be received;

(9) a particular newspaper or newspapers in which notice of sale shall be published;

(10) the format for the advertising of such sale, including the size, content and format of such advertising, and additional advertising of such sale;

(11) matters or exceptions to which title in the real estate may be subject at the sale;

(12) a requirement that title insurance in a specified form be provided to a purchaser at the sale, and who shall pay for such insurance;

(13) whether and to what extent bids with mortgage or other contingencies will be allowed;

(14) such other matters as approved by the court to ensure sale of the real estate for the most commercially favorable price for the type of real estate involved.

(g) Agreement of the Parties. If all of the parties agree in writing on the minimum price and that the real estate may be sold to the first person who offers in writing to purchase the real estate for such price, and on such other commercially reasonable terms and conditions as the parties may agree, then the court shall order the real estate to be sold on such terms, subject to confirmation of the sale in accordance with Section 15-1508.

(h) Postponement of Proving Priority. With the approval of the court prior to the entry of the judgment of foreclosure, a party claiming an interest in the proceeds of the sale of the mortgaged real estate may defer proving the priority of such interest until the hearing to confirm the sale.

(i) Effect of Judgment and Lien. (1) Upon the entry of the judgment of foreclosure, all rights of a party in the foreclosure against the mortgagor provided for in the judgment of foreclosure or this Article shall be secured by a lien on the mortgaged real estate, which lien shall have the same priority as the claim to which the judgment relates and shall be terminated upon confirmation of a judicial sale in accordance with this Article.

(2) Upon the entry of the judgment of foreclosure, the rights in the real estate subject to the judgment of foreclosure of (i) all persons made a party in the foreclosure and (ii) all nonrecord claimants given notice in accordance with paragraph (2) of subsection (c) of Section 15-1502, shall be solely as provided for in the judgment of foreclosure and in this Article.

(Source: P.A. 85-907.)

(735 ILCS 5/15-1507) (from Ch. 110, par. 15-1507)

Sec. 15-1507. Judicial Sale.

(a) In General. Except as provided in Sections 15-1402 and 15-1403, upon entry of a judgment of foreclosure, the real estate which is the subject of the judgment shall be sold at a judicial sale in accordance with this Section 15-1507.

(b) Sale Procedures. Upon expiration of the reinstatement period and the redemption period in accordance with subsection (b) or (c) of Section 15-1603 or upon the entry of a judgment of foreclosure after the waiver of all rights of redemption, except as provided in subsection (g) of Section 15-1506, the real estate shall be sold at a sale as provided in this Article, on such terms and conditions as shall be specified by the court in the judgment of foreclosure. In the absence of an appointment made pursuant to a motion under subsection (f) of Section 15-1506, the person conducting the sale shall be designated by the plaintiff and shall be (i) any person appointed pursuant to Section 15-1506 prior to the effective date of this amendatory Act of the 96th General Assembly, (ii) any judge, or (iii) the sheriff of the county in which the real estate is located. ~~A sale may be conducted by any judge or sheriff.~~

(c) Notice of Sale. The mortgagee, or such other party designated by the court, in a foreclosure under this Article shall give public notice of the sale as follows:

(1) The notice of sale shall include at least the following information, but an immaterial error in the information shall not invalidate the legal effect of the notice:

(A) the name, address and telephone number of the person to contact for information regarding the real estate;

(B) the common address and other common description (other than legal description), if any, of the real estate;

(C) a legal description of the real estate sufficient to identify it with reasonable certainty;

(D) a description of the improvements on the real estate;

(E) the times specified in the judgment, if any, when the real estate may be

- inspected prior to sale;
- (F) the time and place of the sale;
- (G) the terms of the sale;
- (H) the case title, case number and the court in which the foreclosure was filed;
- (H-1) in the case of a condominium unit to which subsection (g) of Section 9 of the Condominium Property Act applies, the statement required by subdivision (g)(5) of Section 9 of the Condominium Property Act; and
- (I) such other information ordered by the Court.
- (2) The notice of sale shall be published at least 3 consecutive calendar weeks (Sunday through Saturday), once in each week, the first such notice to be published not more than 45 days prior to the sale, the last such notice to be published not less than 7 days prior to the sale, by: (i) (A) advertisements in a newspaper circulated to the general public in the county in which the real estate is located, in the section of that newspaper where legal notices are commonly placed and (B) separate advertisements in the section of such a newspaper, which (except in counties with a population in excess of 3,000,000) may be the same newspaper, in which real estate other than real estate being sold as part of legal proceedings is commonly advertised to the general public; provided, that the separate advertisements in the real estate section need not include a legal description and that where both advertisements could be published in the same newspaper and that newspaper does not have separate legal notices and real estate advertisement sections, a single advertisement with the legal description shall be sufficient; and (ii) such other publications as may be further ordered by the court.
- (3) The party who gives notice of public sale in accordance with subsection (c) of Section 15-1507 shall also give notice to all parties in the action who have appeared and have not theretofore been found by the court to be in default for failure to plead. Such notice shall be given in the manner provided in the applicable rules of court for service of papers other than process and complaint, not more than 45 days nor less than 7 days prior to the day of sale. After notice is given as required in this Section a copy thereof shall be filed in the office of the clerk of the court entering the judgment, together with a certificate of counsel or other proof that notice has been served in compliance with this Section.
- (4) The party who gives notice of public sale in accordance with subsection (c) of Section 15-1507 shall again give notice in accordance with that Section of any adjourned sale; provided, however, that if the adjourned sale is to occur less than 60 days after the last scheduled sale, notice of any adjourned sale need not be given pursuant to this Section. In the event of adjournment, the person conducting the sale shall, upon adjournment, announce the date, time and place upon which the adjourned sale shall be held. Notwithstanding any language to the contrary, for any adjourned sale that is to be conducted more than 60 days after the date on which it was to first be held, the party giving notice of such sale shall again give notice in accordance with this Section.
- (5) Notice of the sale may be given prior to the expiration of any reinstatement period or redemption period.
- (6) No other notice by publication or posting shall be necessary unless required by order or rule of the court.
- (7) The person named in the notice of sale to be contacted for information about the real estate may, but shall not be required, to provide additional information other than that set forth in the notice of sale.
- (d) Election of Property. If the real estate which is the subject of a judgment of foreclosure is susceptible of division, the court may order it to be sold as necessary to satisfy the judgment. The court shall determine which real estate shall be sold, and the court may determine the order in which separate tracts may be sold.
- (e) Receipt upon Sale. Upon and at the sale of mortgaged real estate, the person conducting the sale shall give to the purchaser a receipt of sale. The receipt shall describe the real estate purchased and shall show the amount bid, the amount paid, the total amount paid to date and the amount still to be paid therefor. An additional receipt shall be given at the time of each subsequent payment.
- (f) Certificate of Sale. Upon payment in full of the amount bid, the person conducting the sale shall issue, in duplicate, and give to the purchaser a Certificate of Sale. The Certificate of Sale shall be in a recordable form, describe the real estate purchased, indicate the date and place of sale and show the amount paid therefor. The Certificate of Sale shall further indicate that it is subject to confirmation by the court. The duplicate certificate may be recorded in accordance with Section 12-121. The Certificate of Sale shall be freely assignable by endorsement thereon.
- (g) Interest after Sale. Any bid at sale shall be deemed to include, without the necessity of a court order,

interest at the statutory judgment rate on any unpaid portion of the sale price from the date of sale to the date of payment.

(Source: P.A. 94-1049, eff. 1-1-07.)

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

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

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 5060.

HOUSE BILL 5080. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Business & Occupational Licenses, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5080 by replacing everything after the enacting clause with the following:

"Section 5. The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 is amended by changing Sections 5-10, 30-15, 30-25, 40-10, 40-25, 45-25, 45-30, 45-40, 45-55, 50-10, 50-15, 50-30, and 50-35 and by adding Sections 10-37, 30-30, 30-35, 35-32, 45-65, and 50-45 as follows:

(225 ILCS 447/5-10)

(Text of Section before amendment by P.A. 96-847)

(Section scheduled to be repealed on January 1, 2014)

Sec. 5-10. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file.

"Advertisement" means any printed material that is published in a phone book, newspaper, magazine, pamphlet, newsletter, or other similar type of publication that is intended to either attract business or merely provide contact information to the public for an agency or licensee. Advertisement shall include any material disseminated by printed or electronic means or media, but shall not include a licensee's or an agency's letterhead, business cards, or other stationery used in routine business correspondence or customary name, address, and number type listings in a telephone directory.

"Alarm system" means any system, including an electronic access control system, a surveillance video system, a security video system, a burglar alarm system, a fire alarm system, or any other electronic system, that activates an audible, visible, remote, or recorded signal that is designed for the protection or detection of intrusion, entry, theft, fire, vandalism, escape, or trespass.

"Applicant" means a person applying for licensure under this Act as a fingerprint vendor, fingerprint vendor agency, locksmith, locksmith agency, private alarm contractor, private alarm contractor agency, private detective, private detective agency, private security contractor, or private security contractor agency. Any applicant or person who holds himself or herself out as an applicant is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Armed employee" means a licensee or registered person who is employed by an agency licensed or an armed proprietary security force registered under this Act who carries a weapon while engaged in the performance of official duties within the course and scope of his or her employment during the hours and times the employee is scheduled to work or is commuting between his or her home or place of employment, provided that commuting is accomplished within one hour from departure from home or place of employment.

"Armed proprietary security force" means a security force made up of 5 or more armed individuals employed by a private, commercial, or industrial operation or one or more armed individuals employed by a financial institution as security officers for the protection of persons or property.

"Board" means the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Board.

"Branch office" means a business location removed from the place of business for which an agency license has been issued, including, but not limited to, locations where active employee records that are

required to be maintained under this Act are kept, where prospective new employees are processed, or where members of the public are invited in to transact business. A branch office does not include an office or other facility located on the property of an existing client that is utilized solely for the benefit of that client and is not owned or leased by the agency.

"Canine handler" means a person who uses or handles a trained dog to protect persons or property or to conduct investigations.

"Canine handler authorization card" means a card issued by the Department that authorizes the holder to use or handle a trained dog to protect persons or property or to conduct investigations during the performance of his or her duties as specified in this Act.

"Canine trainer" means a person who acts as a dog trainer for the purpose of training dogs to protect persons or property or to conduct investigations.

"Canine trainer authorization card" means a card issued by the Department that authorizes the holder to train a dog to protect persons or property or to conduct investigations during the performance of his or her duties as specified in this Act.

"Canine training facility" means a facility operated by a licensed private detective agency or private security agency wherein dogs are trained for the purposes of protecting persons or property or to conduct investigations.

"Corporation" means an artificial person or legal entity created by or under the authority of the laws of a state, including without limitation a corporation, limited liability company, or any other legal entity.

"Department" means the Department of Financial and Professional Regulation.

"Employee" means a person who works for a person or agency that has the right to control the details of the work performed and is not dependent upon whether or not federal or state payroll taxes are withheld.

"Fingerprint vendor" means a person that offers, advertises, or provides services to fingerprint individuals, through electronic or other means, for the purpose of providing fingerprint images and associated demographic data to the Department of State Police for processing fingerprint based criminal history record information inquiries.

"Fingerprint vendor agency" means a person, firm, corporation, or other legal entity that engages in the fingerprint vendor business and employs, in addition to the fingerprint vendor licensee-in-charge, at least one other person in conducting that business.

"Fingerprint vendor licensee-in-charge" means a person who has been designated by a fingerprint vendor agency to be the licensee-in-charge of an agency who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Fire alarm system" means any system that is activated by an automatic or manual device in the detection of smoke, heat, or fire that activates an audible, visible, or remote signal requiring a response.

"Firearm control card" means a card issued by the Department that authorizes the holder, who has complied with the training and other requirements of this Act, to carry a weapon during the performance of his or her duties as specified in this Act.

"Firm" means an unincorporated business entity, including but not limited to proprietorships and partnerships.

"Licensee" means a person licensed under this Act as a fingerprint vendor, fingerprint vendor agency, locksmith, locksmith agency, private alarm contractor, private alarm contractor agency, private detective, private detective agency, private security contractor, or private security contractor agency. Anyone who holds himself or herself out as a licensee or who is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Locksmith" means a person who engages in a business or holds himself out to the public as providing a service that includes, but is not limited to, the servicing, installing, originating first keys, re-coding, repairing, maintaining, manipulating, or bypassing of a mechanical or electronic locking device, access control or video surveillance system at premises, vehicles, safes, vaults, safe deposit boxes, or automatic teller machines.

"Locksmith agency" means a person, firm, corporation, or other legal entity that engages in the locksmith business and employs, in addition to the locksmith licensee-in-charge, at least one other person in conducting such business.

"Locksmith licensee-in-charge" means a person who has been designated by agency to be the licensee-in-charge of an agency, who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for

assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Peace officer" or "police officer" means a person who, by virtue of office or public employment, is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses. Officers, agents, or employees of the federal government commissioned by federal statute to make arrests for violations of federal laws are considered peace officers.

"Permanent employee registration card" means a card issued by the Department to an individual who has applied to the Department and meets the requirements for employment by a licensed agency under this Act.

"Person" means a natural person.

"Private alarm contractor" means a person who engages in a business that individually or through others undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to sell, install, design, monitor, maintain, alter, repair, replace, or service alarm and other security-related systems or parts thereof, including fire alarm systems, at protected premises or premises to be protected or responds to alarm systems at a protected premises on an emergency basis and not as a full-time security officer. "Private alarm contractor" does not include a person, firm, or corporation that manufactures or sells alarm systems only from its place of business and does not sell, install, monitor, maintain, alter, repair, replace, service, or respond to alarm systems at protected premises or premises to be protected.

"Private alarm contractor agency" means a person, corporation, or other entity that engages in the private alarm contracting business and employs, in addition to the private alarm contractor-in-charge, at least one other person in conducting such business.

"Private alarm contractor licensee-in-charge" means a person who has been designated by an agency to be the licensee-in-charge of an agency, who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Private detective" means any person who by any means, including, but not limited to, manual, canine odor detection, or electronic methods, engages in the business of, accepts employment to furnish, or agrees to make or makes investigations for a fee or other consideration to obtain information relating to:

- (1) Crimes or wrongs done or threatened against the United States, any state or territory of the United States, or any local government of a state or territory.
- (2) The identity, habits, conduct, business occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movements, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person, firm, or other entity by any means, manual or electronic.
- (3) The location, disposition, or recovery of lost or stolen property.
- (4) The cause, origin, or responsibility for fires, accidents, or injuries to individuals or real or personal property.
- (5) The truth or falsity of any statement or representation.
- (6) Securing evidence to be used before any court, board, or investigating body.
- (7) The protection of individuals from bodily harm or death (bodyguard functions).
- (8) Service of process in criminal and civil proceedings without court order.

"Private detective agency" means a person, firm, corporation, or other legal entity that engages in the private detective business and employs, in addition to the licensee-in-charge, one or more persons in conducting such business.

"Private detective licensee-in-charge" means a person who has been designated by an agency to be the licensee-in-charge of an agency, who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Private security contractor" means a person who engages in the business of providing a private security officer, watchman, patrol, guard dog, canine odor detection, or a similar service by any other title or name on a contractual basis for another person, firm, corporation, or other entity for a fee or other consideration and performing one or more of the following functions:

- (1) The prevention or detection of intrusion, entry, theft, vandalism, abuse, fire, or trespass on private or governmental property.
- (2) The prevention, observation, or detection of any unauthorized activity on private

or governmental property.

(3) The protection of persons authorized to be on the premises of the person, firm, or other entity for which the security contractor contractually provides security services.

(4) The prevention of the misappropriation or concealment of goods, money, bonds, stocks, notes, documents, or papers.

(5) The control, regulation, or direction of the movement of the public for the time specifically required for the protection of property owned or controlled by the client.

(6) The protection of individuals from bodily harm or death (bodyguard functions).

"Private security contractor agency" means a person, firm, corporation, or other legal entity that engages in the private security contractor business and that employs, in addition to the licensee-in-charge, one or more persons in conducting such business.

"Private security contractor licensee-in-charge" means a person who has been designated by an agency to be the licensee-in-charge of an agency, who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Public member" means a person who is not a licensee or related to a licensee, or who is not an employer or employee of a licensee. The term "related to" shall be determined by the rules of the Department.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

(Source: P.A. 95-613, eff. 9-11-07.)

(Text of Section after amendment by P.A. 96-847)

(Section scheduled to be repealed on January 1, 2014)

Sec. 5-10. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file.

"Advertisement" means any printed material that is published in a phone book, newspaper, magazine, pamphlet, newsletter, or other similar type of publication that is intended to either attract business or merely provide contact information to the public for an agency or licensee. Advertisement shall include any material disseminated by printed or electronic means or media, but shall not include a licensee's or an agency's letterhead, business cards, or other stationery used in routine business correspondence or customary name, address, and number type listings in a telephone directory.

"Alarm system" means any system, including an electronic access control system, a surveillance video system, a security video system, a burglar alarm system, a fire alarm system, an emergency communication system, mass notification system, or any other electronic system that activates an audible, visible, remote, or recorded signal that is designed for the protection or detection of intrusion, entry, theft, fire, vandalism, escape, or trespass, or other electronic systems designed for the protection of life by indicating the existence of an emergency situation.

"Applicant" means a person applying for licensure under this Act as a fingerprint vendor, fingerprint vendor agency, locksmith, locksmith agency, private alarm contractor, private alarm contractor agency, private detective, private detective agency, private security contractor, or private security contractor agency. Any applicant or person who holds himself or herself out as an applicant is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Armed employee" means a licensee or registered person who is employed by an agency licensed or an armed proprietary security force registered under this Act who carries a weapon while engaged in the performance of official duties within the course and scope of his or her employment during the hours and times the employee is scheduled to work or is commuting between his or her home or place of employment, provided that commuting is accomplished within one hour from departure from home or place of employment.

"Armed proprietary security force" means a security force made up of 5 or more armed individuals employed by a private, commercial, or industrial operation or one or more armed individuals employed by a financial institution as security officers for the protection of persons or property.

"Board" means the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Board.

"Branch office" means a business location removed from the place of business for which an agency license has been issued, including, but not limited to, locations where active employee records that are required to be maintained under this Act are kept, where prospective new employees are processed, or where members of the public are invited in to transact business. A branch office does not include an office

or other facility located on the property of an existing client that is utilized solely for the benefit of that client and is not owned or leased by the agency.

"Canine handler" means a person who uses or handles a trained dog to protect persons or property or to conduct investigations.

"Canine handler authorization card" means a card issued by the Department that authorizes the holder to use or handle a trained dog to protect persons or property or to conduct investigations during the performance of his or her duties as specified in this Act.

"Canine trainer" means a person who acts as a dog trainer for the purpose of training dogs to protect persons or property or to conduct investigations.

"Canine trainer authorization card" means a card issued by the Department that authorizes the holder to train a dog to protect persons or property or to conduct investigations during the performance of his or her duties as specified in this Act.

"Canine training facility" means a facility operated by a licensed private detective agency or private security agency wherein dogs are trained for the purposes of protecting persons or property or to conduct investigations.

"Corporation" means an artificial person or legal entity created by or under the authority of the laws of a state, including without limitation a corporation, limited liability company, or any other legal entity.

"Department" means the Department of Financial and Professional Regulation.

"Emergency communication system" means any system that communicates information about emergencies, including but not limited to fire, terrorist activities, shootings, other dangerous situations, accidents, and natural disasters.

"Employee" means a person who works for a person or agency that has the right to control the details of the work performed and is not dependent upon whether or not federal or state payroll taxes are withheld.

"Fingerprint vendor" means a person that offers, advertises, or provides services to fingerprint individuals, through electronic or other means, for the purpose of providing fingerprint images and associated demographic data to the Department of State Police for processing fingerprint based criminal history record information inquiries.

"Fingerprint vendor agency" means a person, firm, corporation, or other legal entity that engages in the fingerprint vendor business and employs, in addition to the fingerprint vendor licensee-in-charge, at least one other person in conducting that business.

"Fingerprint vendor licensee-in-charge" means a person who has been designated by a fingerprint vendor agency to be the licensee-in-charge of an agency who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Fire alarm system" means any system that is activated by an automatic or manual device in the detection of smoke, heat, or fire that activates an audible, visible, or remote signal requiring a response.

"Firearm control card" means a card issued by the Department that authorizes the holder, who has complied with the training and other requirements of this Act, to carry a weapon during the performance of his or her duties as specified in this Act.

"Firm" means an unincorporated business entity, including but not limited to proprietorships and partnerships.

"Licensee" means a person licensed under this Act as a fingerprint vendor, fingerprint vendor agency, locksmith, locksmith agency, private alarm contractor, private alarm contractor agency, private detective, private detective agency, private security contractor, or private security contractor agency. Anyone who holds himself or herself out as a licensee or who is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Locksmith" means a person who engages in a business or holds himself out to the public as providing a service that includes, but is not limited to, the servicing, installing, originating first keys, re-coding, repairing, maintaining, manipulating, or bypassing of a mechanical or electronic locking device, access control or video surveillance system at premises, vehicles, safes, vaults, safe deposit boxes, or automatic teller machines.

"Locksmith agency" means a person, firm, corporation, or other legal entity that engages in the locksmith business and employs, in addition to the locksmith licensee-in-charge, at least one other person in conducting such business.

"Locksmith licensee-in-charge" means a person who has been designated by agency to be the licensee-in-charge of an agency, who is a full-time management employee or owner who assumes sole

responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Mass notification system" means any system that is used to provide information and instructions to people in a building or other space using voice communications, including visible signals, text, graphics, tactile, or other communication methods.

"Peace officer" or "police officer" means a person who, by virtue of office or public employment, is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses. Officers, agents, or employees of the federal government commissioned by federal statute to make arrests for violations of federal laws are considered peace officers.

"Permanent employee registration card" means a card issued by the Department to an individual who has applied to the Department and meets the requirements for employment by a licensed agency under this Act.

"Person" means a natural person.

"Private alarm contractor" means a person who engages in a business that individually or through others undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to sell, install, design, monitor, maintain, alter, repair, replace, or service alarm and other security-related systems or parts thereof, including fire alarm systems, at protected premises or premises to be protected or responds to alarm systems at a protected premises on an emergency basis and not as a full-time security officer. "Private alarm contractor" does not include a person, firm, or corporation that manufactures or sells alarm systems only from its place of business and does not sell, install, monitor, maintain, alter, repair, replace, service, or respond to alarm systems at protected premises or premises to be protected.

"Private alarm contractor agency" means a person, corporation, or other entity that engages in the private alarm contracting business and employs, in addition to the private alarm contractor-in-charge, at least one other person in conducting such business.

"Private alarm contractor licensee-in-charge" means a person who has been designated by an agency to be the licensee-in-charge of an agency, who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Private detective" means any person who by any means, including, but not limited to, manual, canine odor detection, or electronic methods, engages in the business of, accepts employment to furnish, or agrees to make or makes investigations for a fee or other consideration to obtain information relating to:

- (1) Crimes or wrongs done or threatened against the United States, any state or territory of the United States, or any local government of a state or territory.
- (2) The identity, habits, conduct, business occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movements, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person, firm, or other entity by any means, manual or electronic.
- (3) The location, disposition, or recovery of lost or stolen property.
- (4) The cause, origin, or responsibility for fires, accidents, or injuries to individuals or real or personal property.
- (5) The truth or falsity of any statement or representation.
- (6) Securing evidence to be used before any court, board, or investigating body.
- (7) The protection of individuals from bodily harm or death (bodyguard functions).
- (8) Service of process in criminal and civil proceedings without court order.

"Private detective agency" means a person, firm, corporation, or other legal entity that engages in the private detective business and employs, in addition to the licensee-in-charge, one or more persons in conducting such business.

"Private detective licensee-in-charge" means a person who has been designated by an agency to be the licensee-in-charge of an agency, who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Private security contractor" means a person who engages in the business of providing a private security officer, watchman, patrol, guard dog, canine odor detection, or a similar service by any other title or name on a contractual basis for another person, firm, corporation, or other entity for a fee or other consideration

and performing one or more of the following functions:

- (1) The prevention or detection of intrusion, entry, theft, vandalism, abuse, fire, or trespass on private or governmental property.
- (2) The prevention, observation, or detection of any unauthorized activity on private or governmental property.
- (3) The protection of persons authorized to be on the premises of the person, firm, or other entity for which the security contractor contractually provides security services.
- (4) The prevention of the misappropriation or concealment of goods, money, bonds, stocks, notes, documents, or papers.
- (5) The control, regulation, or direction of the movement of the public for the time specifically required for the protection of property owned or controlled by the client.
- (6) The protection of individuals from bodily harm or death (bodyguard functions).

"Private security contractor agency" means a person, firm, corporation, or other legal entity that engages in the private security contractor business and that employs, in addition to the licensee-in-charge, one or more persons in conducting such business.

"Private security contractor licensee-in-charge" means a person who has been designated by an agency to be the licensee-in-charge of an agency, who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Public member" means a person who is not a licensee or related to a licensee, or who is not an employer or employee of a licensee. The term "related to" shall be determined by the rules of the Department.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.
(Source: P.A. 95-613, eff. 9-11-07; 96-847, eff. 6-1-10.)

(225 ILCS 447/10-37 new)

Sec. 10-37. Address of record. It is the duty of the applicant or licensee to inform the Department of any change of address within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 447/30-15)

(Section scheduled to be repealed on January 1, 2014)

Sec. 30-15. Qualifications for licensure as a locksmith agency.

(a) Upon receipt of the required fee and proof that the applicant is an Illinois licensed locksmith who shall assume responsibility for the operation of the agency and the directed actions of the agency's employees, which is a continuing requirement for agency licensure, the Department shall issue a license as a locksmith agency to any of the following:

- (1) An individual who submits an application and is a licensed locksmith under this Act.
- (2) A firm that submits an application and all of the members of the firm are licensed locksmiths under this Act.

(3) A corporation or limited liability company doing business in Illinois that is authorized to engage in the business of conducting a locksmith agency if at least one officer or executive employee is a licensed locksmith under this Act and all unlicensed officers and directors of the corporation or limited liability company are determined by the Department to be persons of good moral character.

(b) An individual licensed as a locksmith operating under a business name other than the licensed locksmith's own name shall not be required to obtain a locksmith agency license if that licensed locksmith does not employ any persons to engage in the practice of locksmithing and registers under the Assumed Business Name Act.

(c) No locksmith may be the locksmith licensee in-charge for more than one locksmith agency. Upon written request by a representative of the agency, within 10 days after the loss of a locksmith-in-charge of an agency because of the death of that individual or because of the termination of the employment of that individual, the Department shall issue a temporary certificate of authority allowing the continuing operation of the licensed agency. No temporary certificate of authority shall be valid for more than 90 days. An extension of an additional 90 days may be granted upon written request by the representative of the agency. Not more than 2 extensions may be granted to any agency. No temporary permit shall be issued for loss of the licensee-in-charge because of disciplinary action by the Department related to his or her conduct on behalf of the agency.

(d) The Department shall require without limitation all of the following information from each applicant

for licensure as a locksmith agency under this Act:

(1) The name, full business address, and telephone number of the locksmith agency. The business address for the locksmith agency shall be a complete street address from which business is actually conducted, shall be located within the State, and may not be a P.O. Box. The applicant shall submit proof that the business location is or will be used to conduct the locksmith agency's business. The Department may approve of an out-of-state business location if it is not over 50 miles in distance from the borders of this State.

(2) All trade or business names used by the licensee.

(3) The type of ownership or operation, such as a partnership, corporation, or sole proprietorship.

(4) The name of the owner or operator of the locksmith agency, including:

(A) if a person, then the name and address of record of the person;

(B) if a partnership, then the name and address of record of each partner and the name of the partnership;

(C) if a corporation, then the name, address of record, and title of each corporate officer and director, the corporate names, and the name of the state of incorporation; and

(D) if a sole proprietorship, then the full name and address of record of the sole proprietor and the name of the business entity.

(5) The name and license number of the licensee-in-charge for the locksmith agency.

(6) Any additional information required by the Department by rule.

(e) A licensed locksmith agency may operate under a "doing business as" or assumed name certification without having to obtain a separate locksmith agency license if the "doing business as" or assumed name is first registered with the Department. A licensed locksmith agency may register no more than one assumed name.

(Source: P.A. 95-613, eff. 9-11-07.)

(225 ILCS 447/30-25)

(Section scheduled to be repealed on January 1, 2014)

Sec. 30-25. Customer identification; record keeping.

(a) A locksmith who bypasses, manipulates, or originates a first key by code for a device safeguarding an area where access is meant to be limited, whether or not for compensation, shall document where the work was performed and the name, address, date of birth, telephone number, and driver's license number or other identification number of the person requesting the work to be done and shall obtain the signature of that person. A copy of the work order form, invoice, or receipt shall be kept by the licensed locksmith for a period of 2 years and shall include the name and license number of the locksmith or the name and identification number of the registered employee who performed the services. Work order forms, invoices, or receipts required to be kept under this Section shall be available for inspection upon written request made 3 days in advance by a law enforcement agency.

(b) A locksmith who bypasses, manipulates, or originates a first key for a motor vehicle, whether or not for compensation, shall document the name, address, date of birth, telephone number, vehicle identification number, and driver's license number or other identification number of the person requesting entry and obtain the signature of that person. A copy of the work order form, invoice, or receipt shall be kept by the licensed locksmith for a period of 2 years and shall include the name and license number of the locksmith or the name and identification number of the registered employee who performed the services. Work order forms, invoices, or receipts required to be kept under this Section shall be available for inspection upon written request made 3 days in advance by a law enforcement agency.

(c) A locksmith or locksmith agency shall maintain all records required by this Act at the business address provided to the Department pursuant to paragraph (1) of subsection (d) of Section 30-15.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/30-30 new)

Sec. 30-30. Required information for consumers.

(a) A licensee providing any locksmith services shall document on a work order, invoice, or receipt the name, address, and telephone number of the person requesting the work to be done.

(b) The locksmith who performs the services shall include on the work order, invoice, or receipt his or her name and license number.

(c) If the locksmith who performs the services is employed by a locksmith agency, then the name, address, and license number of the locksmith agency and the name and license or registration number of the locksmith who performed the services shall be included on the work order, invoice, or receipt.

(d) A copy of the work order, invoice, or receipt shall be provided to the customer at the time of service

and the original copy of the work order, invoice, or receipt shall be kept by the licensed locksmith or locksmith agency for a period of 2 years.

(e) The name, address, and license number of the locksmith or locksmith agency, if applicable, shall be pre-printed on the work order, invoice, or receipt required under this Section.

(225 ILCS 447/30-35 new)

Sec. 30-35. Advertising. In addition to any requirements under Section 35-15, a licensed locksmith or locksmith agency shall include the licensee's name, the city and state of the address provided to the Department pursuant to paragraph (1) of subsection (d) of Section 30-15, and the licensee's license number on any advertisement.

(225 ILCS 447/35-32 new)

Sec. 35-32. Employment requirement. The holder of a permanent employee registration card is prohibited from performing the activities of a fingerprint vendor, locksmith, private alarm contractor, private detective, or private security contractor without being employed by an agency licensed under this Act.

(225 ILCS 447/40-10)

(Section scheduled to be repealed on January 1, 2014)

Sec. 40-10. Disciplinary sanctions.

(a) The Department may deny issuance, refuse to renew, or restore or may reprimand, place on probation, suspend, revoke, or take other disciplinary or non-disciplinary action against any license, registration, permanent employee registration card, canine handler authorization card, canine trainer authorization card, or firearm control card, and may impose a fine not to exceed \$10,000 for each violation for any of the following:

- (1) Fraud or deception in obtaining or renewing of a license or registration.
- (2) Professional incompetence as manifested by poor standards of service.
- (3) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.
- (4) Conviction of or entry of a plea of guilty or nolo contendere or an admission of guilt in Illinois, or

another

state, or other jurisdiction of any crime that is a felony under the laws of Illinois; a felony in a federal court; a misdemeanor, an essential element of which is dishonesty; or directly related to professional practice.

(5) Performing any services in a grossly negligent manner or permitting any of a licensee's employees to perform services in a grossly negligent manner, regardless of whether actual damage to the public is established.

(6) Continued practice, although the person has become unfit to practice due to any of the following:

(A) Physical illness, mental illness, or other impairment, including, but not limited to, deterioration through the aging process or loss of motor skills that results in the inability to serve the public with reasonable judgment, skill, or safety.

(B) Mental disability demonstrated by the entry of an order or judgment by a court that a person is in need of mental treatment or is incompetent.

(C) Addiction to or dependency on alcohol or drugs that is likely to endanger the public. If the Department has reasonable cause to believe that a person is addicted to or dependent on alcohol or drugs that may endanger the public, the Department may require the person to undergo an examination to determine the extent of the addiction or dependency.

(7) Receiving, directly or indirectly, compensation for any services not rendered.

(8) Willfully deceiving or defrauding the public on a material matter.

(9) Failing to account for or remit any moneys or documents coming into the licensee's possession that belong to another person or entity.

(10) Discipline by another United States jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(11) Giving differential treatment to a person that is to that person's detriment because of race, color, creed, sex, religion, or national origin.

(12) Engaging in false or misleading advertising.

(13) Aiding, assisting, or willingly permitting another person to violate this Act or rules promulgated under it.

(14) Performing and charging for services without authorization to do so from the

person or entity serviced.

(15) Directly or indirectly offering or accepting any benefit to or from any employee, agent, or fiduciary without the consent of the latter's employer or principal with intent to or the understanding that this action will influence his or her conduct in relation to his or her employer's or principal's affairs.

(16) Violation of any disciplinary order imposed on a licensee by the Department.

~~(17) Performing any act or practice that is a violation of this Act, the rules for the administration of this Act, or any federal, State, or local laws, rules, or regulations governing the practices of private detectives, private alarm contractors, private security contractors, or locksmiths. Failing to comply with any provision of this Act or rule promulgated under it.~~

(18) Conducting an agency without a valid license.

(19) Revealing confidential information, except as required by law, including but not limited to information available under Section 2-123 of the Illinois Vehicle Code.

(20) Failing to make available to the Department, upon request, any books, records, or forms required by this Act.

(21) Failing, within ~~10~~ 30 days, to respond to a written request for information from the Department.

(22) Failing to provide employment information or experience information required by the Department regarding an applicant for licensure.

(23) Failing to make available to the Department at the time of the request any indicia of licensure or registration issued under this Act.

(24) Purporting to be a licensee-in-charge of an agency without active participation in the agency.

(25) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(26) Gross, willful, or continued overcharging for professional services, including filing false statements for the collection of fees for services not rendered.

(b) The Department shall seek to be consistent in the application of disciplinary sanctions.

(c) The Department shall adopt rules that set forth standards of service for the following: (i) acceptable error rate in the transmission of fingerprint images and other data to the Department of State Police; (ii) acceptable error rate in the collection and documentation of information used to generate fingerprint work orders; and (iii) any other standard of service that affects fingerprinting services as determined by the Department.

(Source: P.A. 95-613, eff. 9-11-07.)

(225 ILCS 447/40-25)

(Section scheduled to be repealed on January 1, 2014)

Sec. 40-25. Submission to physical or mental examination.

(a) The Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for the immediate suspension of his or her license until the individual submits to the examination if the Department finds that the refusal to submit to the examination was without reasonable cause as defined by rule.

(b) In instances in which the Secretary immediately suspends a person's license for his or her failure to submit to a mental or physical examination when directed, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay.

(c) In instances in which the Secretary otherwise suspends a person's license pursuant to the results of a compelled mental or physical examination, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding

the confidentiality of medical records.

~~(d) An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license. The Department may order a licensee or a registrant to submit to a reasonable physical or mental examination if the licensee or registrant's mental or physical capacity to work safely is an issue in a disciplinary proceeding. The failure to submit to a Director's order to submit to a reasonable mental or physical exam shall constitute a violation of this Act subject to the disciplinary provisions in Section 40-10.~~

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/45-25)

(Section scheduled to be repealed on January 1, 2014)

Sec. 45-25. Disposition by consent order. Disposition may be made of any charge by consent order between the Department and the licensee. The Board shall be apprised of the consent order at its next meeting. The consent order shall be final upon signature of the Secretary.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/45-30)

(Section scheduled to be repealed on January 1, 2014)

~~Sec. 45-30. Restoration of license after disciplinary proceedings. At any time after the successful completion of a term of suspension or revocation of a license, the Department may restore it to the licensee upon the written recommendation of the Board unless the Board determines after an investigation and a hearing that restoration is not in the public interest. The Department shall reinstate any license to good standing under this Act upon recommendation to the Director, after a hearing before the Board or a hearing officer authorized by the Department. The Department shall be satisfied that the applicant's renewed practice is not contrary to the public interest.~~

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/45-40)

(Section scheduled to be repealed on January 1, 2014)

Sec. 45-40. Administrative review. All final administrative decisions of the Department are subject to judicial review under Article III of the Code of Civil Procedure. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. The proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides; but if the party is not a resident of Illinois, the venue shall be in Sangamon County. The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department there is filed in the court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Costs shall be computed at the cost of preparing the record. Exhibits shall be certified without cost. Failure on the part of the applicant or licensee to file a receipt in court is grounds for dismissal of the action. During all judicial proceedings incident to a disciplinary action, the sanctions imposed upon a licensee by the Department shall remain in effect, unless the court determines justice requires a stay of the order.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/45-55)

(Section scheduled to be repealed on January 1, 2014)

Sec. 45-55. Subpoenas.

(a) The Department, with the approval of a member of the Board, may subpoena and bring before it any person to take the oral or written testimony or compel the production of any books, papers, records, or any other documents that the Secretary or his or her designee deems relevant or material to any such investigation or hearing conducted by the Department with the same fees and in the same manner as prescribed in civil cases in the courts of this State.

(b) Any circuit court, upon the application of the licensee, the Department, or the Board, may order the attendance of witnesses and the production of relevant books and papers before the Board in any hearing under this Act. The circuit court may compel obedience to its order by proceedings for contempt.

(c) ~~The Secretary Director~~, the hearing officer, any member of the Board, or a certified shorthand court reporter may administer oaths at any hearing the Department conducts. Notwithstanding any other statute or Department rule to the contrary, all requests for testimony, production of documents or records shall be in accordance with this Act.

(Source: P.A. 95-613, eff. 9-11-07.)

(225 ILCS 447/45-65 new)

Sec. 45-65. Compelling testimony. Any circuit court, upon application of the Department or designated hearing officer may enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

(225 ILCS 447/50-10)

(Section scheduled to be repealed on January 1, 2014)

Sec. 50-10. The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Board.

(a) The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Board shall consist of 13 members appointed by the Director and comprised of 2 licensed private detectives, 3 licensed private security contractors, one licensed private detective or licensed private security contractor who provides canine odor detection services, 2 licensed private alarm contractors, one licensed fingerprint vendor except for the initial appointment who shall be required to have experience in the fingerprint vendor industry that is acceptable to the Department, 2 licensed locksmiths, one public member who is not licensed or registered under this Act and who has no connection with a business licensed under this Act, and one member representing the employees registered under this Act. Each member shall be a resident of Illinois. Except for the initial appointment of a licensed fingerprint vendor after the effective date of this amendatory Act of the 95th General Assembly, each licensed member shall have at least 5 years experience as a licensee in the professional area in which the person is licensed and be in good standing and actively engaged in that profession. In making appointments, the Director shall consider the recommendations of the professionals and the professional organizations representing the licensees. The membership shall reasonably reflect the different geographic areas in Illinois.

(b) Members shall serve 4 year terms and may serve until their successors are appointed. No member shall serve for more than 2 successive terms. Appointments to fill vacancies shall be made in the same manner as the original appointments for the unexpired portion of the vacated term. Members of the Board in office on the effective date of this Act pursuant to the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 shall serve for the duration of their terms and may be appointed for one additional term.

(c) A member of the Board may be removed for cause. A member subject to formal disciplinary proceedings shall disqualify himself or herself from all Board business until the charge is resolved. A member also shall disqualify himself or herself from any matter on which the member cannot act objectively.

(d) Members shall receive compensation as set by law. Each member shall receive reimbursement as set by the Governor's Travel Control Board for expenses incurred in carrying out the duties as a Board member.

(e) A majority of Board members constitutes a quorum. A majority vote of the quorum is required for a decision.

(f) The Board shall elect a chairperson and vice chairperson.

(g) Board members are not liable for their acts, omissions, decisions, or other conduct in connection with their duties on the Board, except those determined to be willful, wanton, or intentional misconduct.

(h) The Board may recommend policies, procedures, and rules relevant to the administration and enforcement of this Act.

(Source: P.A. 95-613, eff. 9-11-07.)

(225 ILCS 447/50-15)

(Section scheduled to be repealed on January 1, 2014)

Sec. 50-15. Powers and duties of the Department. Subject to the provisions of this Act, the Department may exercise the following powers and duties: (a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois and shall exercise all other powers and duties set forth in this Act.

(1) Prescribe ~~(b) The Director shall prescribe~~ forms to be issued for the administration and enforcement of this Act.

(2) Authorize examinations to ascertain the qualifications and fitness of applicants for licensing as a licensed fingerprint vendor, locksmith, private alarm contractor, private detective, or private security contractor and pass upon the qualifications of applicants for licensure.

(3) Examine the records of a licensed fingerprint vendor, locksmith, private alarm contractor, private

detective, or private security contractor, or examine any other aspect of fingerprint vending, locksmithing, private alarm contracting, private detection, or private security contracting that the Department deems necessary.

(4) Investigate any and all fingerprint vendor, locksmith, private alarm contractor, private detective, or private security contractor activity.

(5) Conduct hearings on proceedings to refuse to issue or renew licenses or to revoke, suspend, place on probation, reprimand, or otherwise discipline a license under this Act or take other non-disciplinary action.

(6) Adopt rules required for the administration of this Act.

(7) Prescribe forms to be issued for the administration and enforcement of this Act.

(8) Maintain rosters of the names and addresses of all licensees and all persons whose licenses have been suspended, revoked, denied renewal, or otherwise disciplined within the previous calendar year. These rosters shall be available upon written request and payment of the required fee as established by rule.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/50-30)

(Section scheduled to be repealed on January 1, 2014)

Sec. 50-30. Fees; deposit of fees and fines. The Department shall by rule provide for fees for the administration and enforcement of this Act, and those fees are nonrefundable. Applicants for examination shall be required to pay a fee to either the Department or the designated testing service to cover the cost of providing the examination. If an applicant fails to appear for the examination on the scheduled date at the time and place specified by the Department or designated testing service, then the applicant's examination fee shall be forfeited. All of the fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund and be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration and enforcement of this Act.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/50-35)

(Section scheduled to be repealed on January 1, 2014)

Sec. 50-35. Rosters. The Department shall maintain rosters of the names and addresses of all licensees and all persons whose licenses have been suspended, revoked, or denied renewal for cause within the previous calendar year. The Department shall, upon request and payment of the fee, provide a list of the names and addresses of all licensees under this Act.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/50-45 new)

Sec. 50-45. Illinois Administrative Procedure Act; application. The Illinois Administrative Procedure Act is expressly adopted and incorporated in this Act as if all of the provisions of that Act were included in this Act, except that the provision of paragraph (d) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the registrant or licensee has the right to show compliance with all lawful requirements for retention or continuation or renewal of the license, is specifically excluded. For the purpose of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is considered sufficient when mailed to the last known address of a party.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

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 5095. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 5095 on page 1, line 5, immediately after "Act" by inserting the following:

"(which supersedes the White Cane Law); and

on page 5, line 11, by replacing "in giving effect to them;" with "to ensure that the policies are upheld;";
and

on page 9, immediately below line 4, by inserting the following:

"(775 ILCS 30/Act rep.)

Section 90. The White Cane Law is repealed."

Representative Schmitz offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 5095, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Pedestrians with Disabilities Safety Act.

Section 5. Definitions. For purposes of this Act,

"Mobility device" means a support cane, walker, crutches, wheelchair, scooter, or other device, which may be necessary for use by a pedestrian with a disability when traveling.

"Pedestrian with a disability" means a person with a disability, as defined by the Americans with Disabilities Act, who may require the use of a mobility device, service animal, or White cane to travel on the streets, sidewalks, highways, and walkways of this State.

"Service animal" means a service animal as defined by the Code of Federal Regulations (28 CFR 36.104).

"White cane" means a cane that is predominantly white or metallic in color, with or without a red tip, that is held in an extended or raised position.

Section 10. Rights of pedestrians with disabilities.

(a) A pedestrian with a disability has the same rights as any other pedestrian to equal access and use of the streets, sidewalks, highways, and walkways of this State.

(b) These rights are subject only to the conditions and limitations established by law and applicable alike to all persons.

(c) Any person who denies or interferes with the rights of a pedestrian with a disability under this Act, shall be guilty of a Class A misdemeanor with a mandatory minimum fine of \$500 for each violation.

Section 15. Mobility device; service animal; white cane.

(a) An operator of a vehicle shall stop the vehicle before approaching closer than 10 feet to a pedestrian with a disability who is using a mobility device, accompanied by a visibly identifiable service animal, or carrying or using a white cane, and shall take all precautions that may be necessary to avoid an accident or injury to the pedestrian with a disability. Any vehicle operator who fails to take such precautions shall be liable for damages for any injury caused to the pedestrian with a disability.

(b) Nothing in this Act shall be construed to deprive any person with a disability who is not using a mobility device, not accompanied by a visibly identifiable service animal, or not carrying or using a white cane of the rights of other pedestrians, nor shall such an occurrence be conclusively held to constitute evidence of contributory negligence.

(c) Qualified professionals involved in the training of visibly identifiable service animals including training a person with a disability in the use of an animal, orientation and mobility instructors who are providing instruction to persons with disabilities or receiving training to enable them to provide that instruction, or any otherwise qualified person providing instruction to a person with a disability in the proper use of a mobility device or white cane shall be covered by the provisions of this Section.

Section 20. Proclamation. Each year, the Governor is authorized and requested to designate and take suitable public notice of Pedestrians with Disabilities Safety Day (October 15) and to issue a proclamation which:

(1) comments upon the necessity for and significance of the Pedestrians with Disabilities Safety Act;

(2) calls upon the citizens of the State to observe the provisions of the Pedestrians with Disabilities Safety Act and to take precautions necessary for the safety of pedestrians with disabilities;

(3) reminds the citizens of the State of the policies with respect to persons with disabilities and urges all citizens to ensure that the policies are upheld; and

(4) emphasizes the need of all citizens to be aware of the presence of persons with disabilities in the community and to keep safe and functional for persons with disabilities the streets, sidewalks, highways, and walkways of this State.

Section 80. The Illinois Vehicle Code is amended by changing Sections 2-112 and 6-109 as follows:

(625 ILCS 5/2-112) (from Ch. 95 1/2, par. 2-112)

Sec. 2-112. Distribution of synopsis laws.

(a) The Secretary of State may publish a synopsis or summary of the laws of this State regulating the operation of vehicles and may deliver a copy thereof without charge with each original vehicle registration and with each original driver's license.

(b) The Secretary of State shall make any necessary revisions in its publications including, but not limited to, the Illinois Rules of the Road, to accurately conform its publications to the provisions of the Pedestrians with Disabilities Safety Act.

(Source: P.A. 76-1586.)

(625 ILCS 5/6-109) (from Ch. 95 1/2, par. 6-109)

Sec. 6-109. Examination of Applicants.

(a) The Secretary of State shall examine every applicant for a driver's license or permit who has not been previously licensed as a driver under the laws of this State or any other state or country, or any applicant for renewal of such driver's license or permit when such license or permit has been expired for more than one year. The Secretary of State shall, subject to the provisions of paragraph (c), examine every licensed driver at least every 8 years, and may examine or re-examine any other applicant or licensed driver, provided that during the years 1984 through 1991 those drivers issued a license for 3 years may be re-examined not less than every 7 years or more than every 10 years.

The Secretary of State shall require the testing of the eyesight of any driver's license or permit applicant who has not been previously licensed as a driver under the laws of this State and shall promulgate rules and regulations to provide for the orderly administration of all the provisions of this Section.

The Secretary of State shall include at least one test question that concerns the provisions of the Pedestrians with Disabilities Safety Act in the question pool used for the written portion of the drivers license examination within one year after the effective date of this amendatory Act of the 96th General Assembly.

(b) Except as provided for those applicants in paragraph (c), such examination shall include a test of the applicant's eyesight, his ability to read and understand official traffic control devices, his knowledge of safe driving practices and the traffic laws of this State, and may include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle, and such further physical and mental examination as the Secretary of State finds necessary to determine the applicant's fitness to operate a motor vehicle safely on the highways, except the examination of an applicant 75 years of age or older shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle. All portions of written and verbal examinations under this Section, excepting where the English language appears on facsimiles of road signs, may be given in the Spanish language and, at the discretion of the Secretary of State, in any other language as well as in English upon request of the examinee. Deaf persons who are otherwise qualified are not prohibited from being issued a license, other than a commercial driver's license, under this Code.

(c) Re-examination for those applicants who at the time of renewing their driver's license possess a driving record devoid of any convictions of traffic violations or evidence of committing an offense for which mandatory revocation would be required upon conviction pursuant to Section 6-205 at the time of renewal shall be in a manner prescribed by the Secretary in order to determine an applicant's ability to safely operate a motor vehicle, except that every applicant for the renewal of a driver's license who is 75 years of age or older must prove, by an actual demonstration, the applicant's ability to exercise reasonable care in the safe operation of a motor vehicle.

(d) In the event the applicant is not ineligible under the provisions of Section 6-103 to receive a driver's license, the Secretary of State shall make provision for giving an examination, either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant, within not more than 30 days from the date said application is received.

(Source: P.A. 91-350, eff. 7-29-99.)

Section 99. Effective date. This Act takes effect July 1, 2010."

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 5133.

HOUSE BILL 5139. Having been reproduced, was taken up and read by title a second time. Representative Moffitt offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 5139 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Retail Sale and Distribution of Novelty Lighters Prohibition Act.

Section 5. Findings. The General Assembly finds that novelty lighters have features that are attractive to children, including visual effects, flashing lights, musical sounds, and toy-like designs. Thousands of novelty lighters have been recalled because of the danger they present to public safety. The setting of fires by juveniles has been identified as the fastest growing fire threat in the United States, with more than 300 people killed annually, 30% of whom are children, and almost \$1 billion in property has been destroyed.

Section 10. Definition. For the purposes of this Act, "novelty lighter" means a mechanical or electrical device typically used for lighting cigarettes, cigars, or pipes that is designed to resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, food or beverage, or similar articles, or that plays musical notes, or has flashing lights, or has other entertaining features. A novelty lighter may operate on any fuel, including butane, isobutene, or liquid fuel. "Novelty lighter" does not include any of the following:

- (1) A lighter manufactured before January 1, 1980.
- (2) A lighter incapable of being fueled or lacking a device necessary to produce combustion or a flame.
- (3) Any mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills.
- (4) Standard disposable and refillable lighters that are printed or decorated with logos, labels, decals, or artwork, or heat-shrinkable sleeves.

Section 15. Prohibition against novelty lighters. A person may not sell at retail or distribute for retail sale in this State a novelty lighter. The prohibition specified in this Section does not apply to the transportation of novelty lighters through this State or the storage of novelty lighters in a warehouse or distribution center in this State that is closed to the public for purposes of retail sales.

Section 20. Violation. A violation of Section 15 is a petty offense, for which a fine not to exceed \$500 for each offense may be imposed. Each day that a person violates Section 15 is a separate offense. A person who is employed as a clerk by a retail establishment shall not be in violation of this Act unless he or she sells a novelty lighter with the intent to violate this Act.

Section 25. Enforcement. This Act may be enforced by the Office of the State Fire Marshal, by a State, county, or municipal law enforcement officer, or by a municipal code enforcement officer.

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 5144. 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 5144 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 21-95 and 21-100 as follows:
(35 ILCS 200/21-95)

Sec. 21-95. Tax abatement after acquisition by a governmental unit. When any county, ~~or municipality~~, school district, or park district acquires property through the foreclosure of a lien, through a judicial deed,

through the foreclosure of receivership certificate lien, or by acceptance of a deed of conveyance in lieu of foreclosing any lien against the property, or when a government unit acquires property under the Abandoned Housing Rehabilitation Act, or when any county or other taxing district acquires a deed for property under Section 21-90 or Sections 21-145 and 21-260, or when any county, municipality, school district, or park district acquires title to property that was to be transferred to that county, municipality, school district, or park district under the terms of an annexation agreement, development agreement, donation agreement, plat of subdivision, or zoning ordinance by an entity that has been dissolved or is being dissolved or has been in bankruptcy proceedings or is in bankruptcy proceedings, all due or unpaid property taxes and existing liens for unpaid property taxes imposed or pending under any law or ordinance of this State or any of its political subdivisions shall become null and void.

(Source: P.A. 91-305, eff. 1-1-00.)

(35 ILCS 200/21-100)

Sec. 21-100. Notice to county officials; voiding of tax bills. The county board or corporate authorities of the county, or other taxing district acquiring property under Section 21-95 shall give written notice of the acquisition to the chief county assessment officer and the county collector and the county clerk of the county in which the property is located, and request the voiding of the tax liens as provided in this Section. The notice shall describe the acquired property by legal description or property index number.

Upon receipt of the notice, the county collector and county clerk shall void the current and all prior unpaid taxes on the records in their respective offices by entering the following statement upon their records for the property: "Acquired by ... (name of county, ~~or municipality~~, school district, or park district acquiring the property under Section 21-95). Taxes due and unpaid on this property ... (give legal description or property index number and address of the property) ... are waived and null and void under Section 21-100 of the Property Tax Code. The tax bills of this property are hereby voided and liens for the taxes are extinguished."

(Source: P.A. 86-949; 86-1158; 88-455.)

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 5154. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 5154 by replacing everything after the enacting clause with the following:

"Section 5. The Personnel Record Review Act is amended by changing Section 11 as follows:

(820 ILCS 40/11) (from Ch. 48, par. 2011)

Sec. 11. This Act shall not be construed to diminish a right of access to records already otherwise provided by law, provided that disclosure of performance evaluations under the Freedom of Information Act shall be prohibited.

(Source: P.A. 83-1104.)

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 5157. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 5157 on page 1, by inserting immediately below line 3 the following:

"Section 4. The Election Code is amended by changing Section 17-22 as follows:

(10 ILCS 5/17-22) (from Ch. 46, par. 17-22)

Sec. 17-22. The judges of election shall make the tally sheet and certificate of results in triplicate. If, however, the number of established political parties, as defined in Section 10-2, exceeds 2, one additional copy shall be made for each established political party in excess of 2. One list of voters, or other proper return with such certificate written thereon, and accompanying tally sheet footed up so as to show the correct number of votes cast for each person voted for, shall be carefully enveloped and sealed up by the judges of election, 2 of whom (one from each of the 2 major political parties) shall immediately deliver same to the county clerk, or his deputy, at the office of the county clerk, or to an officially designated receiving station established by the county clerk where a duly authorized representative of the county clerk shall receive said envelopes for immediate transmission to the office of county clerk, who shall safely keep them. The other certificates of results and accompanying tally sheet shall be carefully enveloped and sealed up and duly directed, respectively, to the chairman of the county central committee of each then existing established political party, and by another of the judges of election deposited immediately in the nearest United States letter deposit. However, if any county chairman notifies the county clerk not later than 10 days before the election of his desire to receive the envelope addressed to him at the point and at the time same are delivered to the county clerk, his deputy or receiving station designee the envelopes shall be delivered to such county chairman or his designee immediately upon receipt thereof by the county clerk, his deputy or his receiving station designee. The person or persons so designated by a county chairman shall sign an official receipt acknowledging receipt of said envelopes. The poll book and tally list filed with the county clerk shall be kept one year, and certified copies thereof shall be evidence in all courts, proceedings and election contests. Before the returns are sealed up, as aforesaid, the judges shall compare the tally papers, footings and certificates and see that they are correct and duplicates of each other, and certify to the correctness of the same.

At the ~~nonpartisan and~~ consolidated election elections, the judges of election shall make a tally sheet and certificate of results for each political subdivision for which candidates or public questions are on the ballot at such election, and shall sign, seal in a marked envelope and deliver them to the county clerk with the other certificates of results herein required. Such tally sheets and certificates of results may be duplicates of the tally sheet and certificate of results otherwise required by this Section, showing all votes for all candidates and public questions voted for or upon in the precinct, or may be on separate forms prepared by the election authority and showing only those votes cast for candidates and public questions of each such political subdivision.

Within 2 days of delivery of complete returns of the consolidated election and nonpartisan elections, the county clerk shall transmit an original, sealed tally sheet and certificate of results from each precinct in his jurisdiction in which candidates or public questions of a political subdivision were on the ballot to the local election official of such political subdivision. Each local election official, within 24 hours of receipt of all of the tally sheets and certificates of results for all precincts in which candidates or public questions of his political subdivision were on the ballot, shall transmit such sealed tally sheets and certificates of results to the canvassing board for that political subdivision.

In the case of referenda for the formation of a political subdivision, the tally sheets and certificates of results shall be transmitted by the county clerk to the circuit court that ordered the proposition submitted or to the officials designated by the court to conduct the canvass of votes. In the case of school referenda for which a regional superintendent of schools is responsible for the canvass of votes, the county clerk shall transmit the tally sheets and certificates of results to the regional superintendent of schools.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A, whichever is applicable.

Only judges appointed under the provisions of subsection (a) of Section 13-4 or subsection (b) of Section 14-1 may make any delivery required by this Section from judges of election to a county clerk, or his or her deputy, at the office of the county clerk or to a county clerk's duly authorized representative at the county clerk's officially designated receiving station.

(Source: P.A. 80-1469.)"

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

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 5178 and 5190.

HOUSE BILL 5194. Having been recalled on March 4, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Brady offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 5194 on page 1, line 5, by replacing "Sections 11 and" with "Section"; and on page 1, by deleting lines 6 through 23.

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

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

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 5197.

HOUSE BILL 5203. Having been reproduced, was taken up and read by title a second time.

Representative Fortner offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 5203 on page 2, line 20, by replacing "radium-266" with "radium-226".

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

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

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 5217 and 5221.

HOUSE BILL 5278. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 5278 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Section 2A-1.2 as follows:

(10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

Sec. 2A-1.2. Consolidated Schedule of Elections - Offices Designated.

(a) At the general election in the appropriate even-numbered years, the following offices shall be filled or shall be on the ballot as otherwise required by this Code:

- (1) Elector of President and Vice President of the United States;
- (2) United States Senator and United States Representative;
- (3) State Executive Branch elected officers;
- (4) State Senator and State Representative;
- (5) County elected officers, including State's Attorney, County Board member, County Commissioners, and elected President of the County Board or County Chief Executive;
- (6) Circuit Court Clerk;
- (7) Regional Superintendent of Schools, except in counties or educational service regions in which that office has been abolished;
- (8) Judges of the Supreme, Appellate and Circuit Courts, on the question of retention, to fill vacancies and newly created judicial offices;

(9) (Blank);

(10) Trustee of the Metropolitan Sanitary District of Chicago, and elected Trustee of other Sanitary Districts;

(11) Special District elected officers, not otherwise designated in this Section, where the statute creating or authorizing the creation of the district requires an annual election and permits or requires election of candidates of political parties.

(b) At the general primary election:

(1) in each even-numbered year candidates of political parties shall be nominated for those offices to be filled at the general election in that year, except where pursuant to law nomination of candidates of political parties is made by caucus.

(2) in the appropriate even-numbered years the political party offices of State central committeeman, township committeeman, ward committeeman, and precinct committeeman shall be filled and delegates and alternate delegates to the National nominating conventions shall be elected as may be required pursuant to this Code. In the even-numbered years in which a Presidential election is to be held, candidates in the Presidential preference primary shall also be on the ballot.

(3) in each even-numbered year, where the municipality has provided for annual elections to elect municipal officers pursuant to Section 6(f) or Section 7 of Article VII of the Constitution, pursuant to the Illinois Municipal Code or pursuant to the municipal charter, the offices of such municipal officers shall be filled at an election held on the date of the general primary election, provided that the municipal election shall be a nonpartisan election where required by the Illinois Municipal Code. For partisan municipal elections in even-numbered years, a primary to nominate candidates for municipal office to be elected at the general primary election shall be held on the Tuesday 6 weeks preceding that election.

(4) in each school district which has adopted the provisions of Article 33 of the School Code, successors to the members of the board of education whose terms expire in the year in which the general primary is held shall be elected.

(c) At the consolidated election in the appropriate odd-numbered years, the following offices shall be filled:

(1) Municipal officers, provided that in municipalities in which candidates for alderman or other municipal office are not permitted by law to be candidates of political parties, the runoff election where required by law, or the nonpartisan election where required by law, shall be held on the date of the consolidated election; and provided further, in the case of municipal officers provided for by an ordinance providing the form of government of the municipality pursuant to Section 7 of Article VII of the Constitution, such offices shall be filled by election or by runoff election as may be provided by such ordinance;

(2) Village and incorporated town library directors;

(3) City boards of stadium commissioners;

(4) Commissioners of park districts;

(5) Trustees of public library districts;

(6) Special District elected officers, not otherwise designated in this section, where the statute creating or authorizing the creation of the district permits or requires election of candidates of political parties;

(7) Township officers, including township park commissioners, township library directors, and boards of managers of community buildings, and Multi-Township Assessors;

(8) Highway commissioners and road district clerks;

(9) Members of school boards in school districts which adopt Article 33 of the School Code;

(10) The directors and chairman of the Chain O Lakes - Fox River Waterway Management Agency;

(11) Forest preserve district commissioners elected under Section 3.5 of the Downstate Forest Preserve District Act;

(12) Elected members of school boards, school trustees, directors of boards of school directors, trustees of county boards of school trustees (except in counties or educational service regions having a population of 2,000,000 or more inhabitants) and members of boards of school inspectors, except school boards in school districts that adopt Article 33 of the School Code;

(13) Members of Community College district boards;

(14) Trustees of Fire Protection Districts;

(15) Commissioners of the Springfield Metropolitan Exposition and Auditorium Authority;

(16) Elected Trustees of Tuberculosis Sanitarium Districts;

(17) Elected Officers of special districts not otherwise designated in this Section for which the law governing those districts does not permit candidates of political parties.

(d) At the consolidated primary election in each odd-numbered year, candidates of political parties shall be nominated for those offices to be filled at the consolidated election in that year, except where pursuant to law nomination of candidates of political parties is made by caucus, and except those offices listed in paragraphs (12) through (17) of subsection (c).

At the consolidated primary election in the appropriate odd-numbered years, the mayor, clerk, treasurer, and aldermen shall be elected in municipalities in which candidates for mayor, clerk, treasurer, or alderman are not permitted by law to be candidates of political parties, subject to runoff elections to be held at the consolidated election as may be required by law, and municipal officers shall be nominated in a nonpartisan election in municipalities in which pursuant to law candidates for such office are not permitted to be candidates of political parties.

At the consolidated primary election in the appropriate odd-numbered years, municipal officers shall be nominated or elected, or elected subject to a runoff, as may be provided by an ordinance providing a form of government of the municipality pursuant to Section 7 of Article VII of the Constitution.

(e) (Blank).

(f) At any election established in Section 2A-1.1, public questions may be submitted to voters pursuant to this Code and any special election otherwise required or authorized by law or by court order may be conducted pursuant to this Code.

Notwithstanding the regular dates for election of officers established in this Article, whenever a referendum is held for the establishment of a political subdivision whose officers are to be elected, the initial officers shall be elected at the election at which such referendum is held if otherwise so provided by law. In such cases, the election of the initial officers shall be subject to the referendum.

Notwithstanding the regular dates for election of officials established in this Article, any community college district which becomes effective by operation of law pursuant to Section 6-6.1 of the Public Community College Act, as now or hereafter amended, shall elect the initial district board members at the next regularly scheduled election following the effective date of the new district.

(g) At any election established in Section 2A-1.1, if in any precinct there are no offices or public questions required to be on the ballot under this Code then no election shall be held in the precinct on that date. At any election established in subsection (b) of Section 2A-1.1, if in any precinct there are no public questions required to be on the ballot under this Code and if the offices to be nominated or elected are uncontested, then no election shall be held in the precinct on that date. Notwithstanding any other provisions of this Code or other law of this State to the contrary, the name of any unopposed candidate in any election established in subsection (b) of Section 2A-1.1 shall not appear on the ballot at that election and that unopposed candidate shall be deemed nominated or elected, as the case may be.

(h) There may be conducted a referendum in accordance with the provisions of Division 6-4 of the Counties Code.

(Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626, eff. 8-9-96; 90-358, eff. 1-1-98.)

Section 10. The Illinois Municipal Code is amended by changing Sections 3.1-20-45, 3.1-25-20, 3.1-25-40, 4-3-16, 4-3-16.1, and 5-2-13 as follows:

(65 ILCS 5/3.1-20-45)

Sec. 3.1-20-45. Nonpartisan primary elections; uncontested office. A city incorporated under this Code that elects municipal officers at nonpartisan primary and general elections shall conduct the elections as provided in the Election Code, except that no office for which nomination is uncontested shall be included on the primary ballot and no primary shall be held for that office. For the purposes of this Section, an office is uncontested when not more than 4 persons to be nominated for each office have timely filed valid nominating papers seeking nomination for the election to that office.

For the purposes of preparing a primary ballot and holding a primary election under this Section, a write-in candidate shall not be construed as having timely filed valid nominating papers.

~~Notwithstanding the preceding paragraph, when a person (i) who has not timely filed valid nomination papers and (ii) who intends to become a write in candidate for nomination for any office for which nomination is uncontested files a written statement or notice of that intent with the proper election official with whom the nomination papers for that office are filed, if the write in candidate becomes the fifth candidate filed, a primary ballot must be prepared and a primary must be held for the office. The statement or notice must be filed on or before the 61st day before the consolidated primary election. The statement~~

~~must contain (i) the name and address of the person intending to become a write in candidate, (ii) a statement that the person intends to become a write in candidate, and (iii) the office the person is seeking as a write in candidate. An election authority has no duty to conduct a primary election or prepare a primary ballot unless a statement meeting the requirements of this paragraph is filed in a timely manner.~~

(Source: P.A. 95-699, eff. 11-9-07.)

(65 ILCS 5/3.1-25-20) (from Ch. 24, par. 3.1-25-20)

Sec. 3.1-25-20. Primary election. A village incorporated under this Code shall nominate and elect candidates for president and trustees in nonpartisan primary and general elections as provided in Sections 3.1-25-20 through 3.1-25-55 until the electors of the village vote to require the partisan election of the president and trustees at a referendum in the manner provided in Section 3.1-25-65 after January 1, 1992. The provisions of Sections 3.1-25-20 through 3.1-25-55 shall apply to all villages incorporated under this Code that have operated under those Sections without the adoption of those provisions by the referendum provided in Section 3.1-25-60 as well as those villages that have adopted those provisions by the referendum provided in Section 3.1-25-60 until the electors of those villages vote to require the partisan election of the president and trustees in the manner provided in Section 3.1-25-65. Villages that have nominated and elected candidates for president and trustees in partisan elections prior to January 1, 1992, may continue to hold partisan elections without conducting a referendum in the manner provided in Section 3.1-25-65. All candidates for nomination to be voted for at all general municipal elections at which a president or trustees, or both, are to be elected under this Article shall be nominated from the village at large by a primary election.

Notwithstanding any other provision of law, no primary shall be held in any village when the nomination for every office to be voted upon by the electors of the village is uncontested. If the nomination of candidates is uncontested as to one or more, but not all, of the offices to be voted upon by the electors of the village, then a primary must be held in the village, provided that the primary ballot shall not include those offices in the village for which the nomination is uncontested. For the purposes of this Section, an office is uncontested when not more than the number of persons to be nominated to the office have timely filed valid nominating papers seeking nomination for election to that office.

For the purposes of preparing a primary ballot and holding a primary election under this Section, a write-in candidate shall not be construed as having timely filed valid nominating papers.

~~Notwithstanding the preceding paragraph, when a person (i) who has not timely filed valid nomination papers and (ii) who intends to become a write in candidate for nomination for any office for which nomination is uncontested files a written statement or notice of that intent with the proper election official with whom the nomination papers for that office are filed, a primary ballot must be prepared and a primary must be held for the office. The statement or notice must be filed on or before the 61st day before the consolidated primary election. The statement must contain (i) the name and address of the person intending to become a write in candidate, (ii) a statement that the person intends to become a write in candidate, and (iii) the office the person is seeking as a write in candidate. An election authority has no duty to conduct a primary election or prepare a primary ballot unless a statement meeting the requirements of this paragraph is filed in a timely manner.~~

Only the names of those persons nominated in the manner prescribed in Sections 3.1-25-20 through 3.1-25-65 shall be placed on the ballot at the general municipal election. The village clerk shall certify the offices to be filled and the candidates for those offices to the proper election authority as provided in the general election law. A primary for those offices, if required, shall be held in accordance with the general election law.

(Source: P.A. 91-57, eff. 6-30-99.)

(65 ILCS 5/3.1-25-40) (from Ch. 24, par. 3.1-25-40)

Sec. 3.1-25-40. Ballots.

(a) If the office of president is to be filled, only the names of the 4 candidates receiving the highest number of votes for president shall be placed on the ballot for president at the next succeeding general municipal election. The names of candidates in a number equal to 4 times the number of trustee positions to be filled receiving the highest number of votes for trustee, or the names of all candidates if less than 4 times the number of trustee positions to be filled, shall be placed on the ballot for that office at the municipal election.

(b) An elector, however, at either a primary election or a general municipal election held under Sections 3.1-25-20 through 3.1-25-55, may write in the names of the candidates of that elector's choice in accordance with the general election law. ~~If, however, the name of only one candidate for a particular office appeared on the primary ballot, the name of the person having the largest number of write in votes~~

~~shall not be placed upon the ballot at the general municipal election unless the number of votes received in the primary election by that person was at least 10% of the number of votes received by the candidate for the same office whose name appeared on the primary ballot.~~

(c) If a nominee at a general primary election dies or withdraws before the general municipal election, there shall be placed on the ballot the name of the candidate receiving the next highest number of votes, and so on in case of the death or withdrawal of more than one nominee.

(d) If in the application of this Section there occurs the condition provided for in Section 3.1-25-45, there shall be placed on the ballot the name of the candidate who was not chosen by lot under that Section where one of 2 tied candidates had been placed on the ballot before the death or withdrawal occurred. If, however, in the application of this Section, the candidate with the next highest number of votes cannot be determined because of a tie among 2 or more candidates, the successor nominee whose name shall be placed on the ballot shall be determined by lot as provided in Section 3.1-25-45.

(Source: P.A. 95-699, eff. 11-9-07.)

(65 ILCS 5/4-3-16) (from Ch. 24, par. 4-3-16)

Sec. 4-3-16. Upon the ballots for the general municipal election the names of the nominees for mayor shall be placed first, in substantially the form specified in this section. Following these names, the names of the nominees for commissioners shall appear under each office, in substantially the form specified in this section; provided that if the municipality has voted, as provided in Section 4-3-19, to require candidates for commissioner to run for a specific office, the names of the candidates for commissioner of public accounts and finances, commissioner of public health and safety, commissioner of streets and public improvements, and commissioner of public property, respectively, shall appear under the designation of the applicable office, in substantially the form specified in Section 4-3-16.1. If under Section 2A-1.1 of the Election Code no general municipal election (consolidated election) is to be held in any precinct, then the name of an unopposed candidate shall not appear on any ballot, and that candidate shall be deemed elected.

The ballots shall be in the form provided by the general election law, except as herein otherwise provided, but they shall designate no party, platform, political principle, appellation, or mark whatever. Nor shall any circle be printed at the head of the ballots. Except where candidates for commissioner are required to run for a specific office, the ballots shall be in substantially the following form:

OFFICIAL BALLOT
NOMINEES FOR MAYOR AND COMMISSIONERS
OF THE CITY (OR VILLAGE) OF....
AT THE GENERAL MUNICIPAL ELECTION.
FOR MAYOR
(VOTE FOR ONE)

- () JOHN JONES.
() JAMES SMITH.

FOR COMMISSIONERS
(VOTE FOR NOT MORE THAN FOUR)

- () HARRY BROWN.
() ROBERT BUCK.
() WILLIAM BURKE.
() GEORGE MILLER.
() ARTHUR ROBBINS.
() EDWARD STUART.
() JOSEPH TROUT.
() THOMAS WILLIAMS.

(Source: P.A. 95-862, eff. 8-19-08.)

(65 ILCS 5/4-3-16.1) (from Ch. 24, par. 4-3-16.1)

Sec. 4-3-16.1. If the municipality has voted, as provided in Section 4-3-19, to require candidates for commissioner to run for a specific office, the ballots for the general municipal election shall be in substantially the following form. If under Section 2A-1.1 of the Election Code no general municipal election (consolidated election) is to be held in any precinct, then the name of an unopposed candidate shall not appear on any ballot, and that candidate shall be deemed elected. ÷

OFFICIAL BALLOT
NOMINEES FOR MAYOR AND COMMISSIONERS
OF THE CITY (OR VILLAGE) OF

AT THE GENERAL MUNICIPAL ELECTION.
FOR MAYOR
(VOTE FOR ONE)

- JOHN JONES.
- JAMES SMITH.

FOR COMMISSIONER OF ACCOUNTS
AND FINANCES
(VOTE FOR ONE)

- HARRY BROWN.
- ROBERT BUCK.

FOR COMMISSIONER OF PUBLIC HEALTH
AND SAFETY
(VOTE FOR ONE)

- GEORGE MILLER.
- ARTHUR ROBBINS.

FOR COMMISSIONER OF STREETS AND
PUBLIC IMPROVEMENTS
(VOTE FOR ONE)

- JOSEPH TROUT.
- THOMAS WILLIAMS.

FOR COMMISSIONER OF PUBLIC PROPERTY
(VOTE FOR ONE)

- JAMES J. JEFFRIES.
 - JAMES SMITH.
- (Source: Laws 1965, p. 2677.)

(65 ILCS 5/5-2-13) (from Ch. 24, par. 5-2-13)

Sec. 5-2-13. In addition to the requirements of the general election law, the ballots for the municipal primary election provided for in Section 5-2-12 shall be in substantially the following form. If under Section 2A-1.1 of the Election Code no municipal primary election (consolidated primary election) is to be held in any precinct, then the name of an unopposed candidate shall not appear on any ballot, and that candidate shall be deemed nominated. ÷

OFFICIAL PRIMARY BALLOT.
CANDIDATES FOR NOMINATION FOR MAYOR
AND COUNCILMEN OF THE CITY (OR
VILLAGE) OF.... AT THE PRIMARY
ELECTION.
FOR MAYOR
VOTE FOR ONE

- JOHN JONES.
- JAMES SMITH.
- HENRY WHITE.
- RALPH WILSON.
- FOR COUNCILMEN.

VOTE FOR NOT MORE THAN...(insert proper number as provided in Section 5-2-12).

- HARRY BROWN.
- ROBERT BUCK.
- WILLIAM BURKE.
- GEORGE MILLER.
- ARTHUR ROBBINS.
- EDWARD STUART.
- JOSEPH TROUT.
- THOMAS WILLIAMS.

In addition to the requirements of the general election law, the general municipal election ballots for the

election provided for in Section 5-2-12 shall be substantially in the following form:

OFFICIAL BALLOT
NOMINEES FOR MAYOR AND COUNCILMEN OF
THE CITY (OR VILLAGE) OF... AT
THE GENERAL MUNICIPAL ELECTION.
FOR MAYOR
VOTE FOR ONE

() JOHN JONES.
() JAMES SMITH.
() FOR COUNCILMEN.
VOTE FOR NOT MORE THAN...(insert proper number as provided in Section 5-2-12).
() HARRY BROWN.
() ROBERT BUCK.
() WILLIAM BURKE.
() GEORGE MILLER.
() ARTHUR ROBBINS.
() EDWARD STUART.
() JOSEPH TROUT.
() THOMAS WILLIAMS.
(Source: P.A. 95-862, eff. 8-19-08.)"

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 5282. 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 5282 on page 1, line 14, after "trust", by inserting the following: "or revocable inter vivos trusts";and on page 3, by replacing lines 14 through 19 with the following: "tenancy by the entirety. Where the homestead is held in the name or names of a trustee or trustees of a revocable inter vivos trust or of revocable inter vivos trusts made by the settlors of such trust or trusts who are husband and wife, and the husband and wife are the primary beneficiaries of one or both of the trusts so created, and the deed or deeds conveying title to the homestead to the trustee or trustees of the trust or trusts specifically state that the interests of the husband and wife to the homestead property are to".

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

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 5290.

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 5295.

HOUSE BILL 5296. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Agriculture & Conservation, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5296 by replacing everything after the enacting clause with the following:

"Section 5. The Rivers, Lakes, and Streams Act is amended by changing Section 5 as follows:

(615 ILCS 5/5) (from Ch. 19, par. 52)

Sec. 5. ~~The~~ Department of Natural Resources shall upon behalf of the State of Illinois, have jurisdiction and supervision over all of the rivers and lakes of the State of Illinois, wherein the State of Illinois or the people of the State have any rights or interests, and shall make a list by counties of all the waters of Illinois, showing the waters, both navigable and non-navigable, that are found in each county of the State, and if the same are lakes, the extent of the shore lines and the amount, extent and area of the water surface; and in a like way, if the same are rivers, and specifying whether the same are navigable or non-navigable, and whether they have or have not been meandered.

(Source: P.A. 89-445, eff. 2-7-96.)"

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

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 5322 and 5329.

HOUSE BILL 5331. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 5331 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Sections 5-4.2 and 5-5 as follows:

(305 ILCS 5/5-4.2) (from Ch. 23, par. 5-4.2)

Sec. 5-4.2. Ground ambulance ~~Ambulance~~ services payments.

(a) For purposes of this Section, the following terms have the following meanings:

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

"Ground ambulance services" means medical transportation services that are described as ground ambulance services by the Centers for Medicare and Medicaid Services and provided in a vehicle that is licensed as an ambulance by the Illinois Department of Public Health pursuant to the Emergency Medical Services (EMS) Systems Act.

"Ground ambulance services provider" means a vehicle service provider as described in the Emergency Medical Services (EMS) Systems Act that operates licensed ambulances for the purpose of providing emergency ambulance services, or non-emergency ambulance services, or both. For purposes of this Section, this includes both ambulance providers and ambulance suppliers as described by the Centers for Medicare and Medicaid Services.

"Rural county" means: any county not located in a U.S. Bureau of the Census Metropolitan Statistical Area (MSA); or any county located within a U.S. Bureau of the Census Metropolitan Statistical Area but having a population of 60,000 or less.

(b) It is the intent of the General Assembly to provide for the payment for ground ambulance services as part of the State Medicaid plan and to provide adequate payment for ground ambulance services under the State Medicaid plan so as to ensure adequate access to ground ambulance services for both recipients of aid under this Article and for the general population of Illinois. Unless otherwise indicated in this Section, the practices of the Department concerning payments for ground ambulance services provided to recipients of aid under this Article shall be consistent with the payment principles of Medicare, including the statutes, regulations, policies, procedures, principles, definitions, guidelines, coding systems, including the ambulance condition coding system, and manuals used by the Centers for Medicare and Medicaid Services and the Medicare Part B Carrier or the Medicare Administrative Contractor for the State of Illinois to determine the payment system to ground ambulance services providers under Title XVIII of the Social Security Act.

(c) For ground ambulance services provided to a recipient of aid under this Article on or after July 1, 2010, the Department shall provide payment to ground ambulance services providers for base charges and mileage charges based upon the lesser of the provider's charge, as reflected on the provider's claim form, or the Illinois Medicaid Ambulance Fee Schedule payment rates calculated in accordance with this Section.

Effective July 1, 2010, the Illinois Medicaid Ambulance Fee Schedule shall be established and shall include only the ground ambulance services payment rates outlined in the Medicare Ambulance Fee

Schedule as promulgated by the Centers for Medicare and Medicaid Services in effect as of July 1, 2010 and adjusted for the 4 Medicare Localities in Illinois, with an adjustment of 100% of the Medicare Ambulance Fee Schedule payment rates, by Medicare Locality, for both base rates and mileage for rural counties, and an adjustment of 80% of the Medicare Ambulance Fee Schedule payment rates, by Medicare Locality, for both base rates and mileage for all other counties. The transition from the current payment system to the Illinois Medicaid Ambulance Fee Schedule shall be by a 2-year phase-in as follows:

(1) Effective for dates of service from July 1, 2010 through June 30, 2011, for each individual base rate and mileage rate, the payment rate for ground ambulance services shall be based on 50% of the Medicaid payment rate in effect as of January 1, 2010 and 50% of the Illinois Medicaid Ambulance Fee Schedule amount in effect on July 1, 2010 for the designated Medicare Locality, except that any payment rate that was previously approved by the Department that exceeds this amount shall remain in force.

(2) Effective for dates of service on or after July 1, 2011, for each individual base rate and mileage rate, the payment rate for ground ambulance services shall be based on 100% of the Illinois Medicaid Ambulance Fee Schedule amount in effect on July 1, 2011 for the designated Medicare Locality, except that any payment rate that was previously approved by the Department that exceeds this amount shall remain in force.

Effective for dates of service on or after July 1, 2011, the Department shall update the Illinois Medicaid Ambulance Fee Schedule payment rates so that they comply with the Medicare Ambulance Fee Schedule payment rates for ground ambulance services in effect at the time of the update, in the manner prescribed in the second paragraph of this subsection (c).

(d) Payment for mileage shall be per loaded mile with no loaded mileage included in the base rate. If a natural disaster, weather, road repairs, traffic congestion, or other conditions necessitate a route other than the most direct route, payment shall be based upon the actual distance traveled. Notwithstanding the payment principles in subsection (b) of this Section, the Department shall develop the Illinois Medicaid Ambulance Fee Schedule using the ground mileage payment rate, as defined by the Centers for Medicare and Medicaid Services, and no other mileage rates which act as enhancements to the ground mileage rate, whether permanent or temporary, shall be recognized by the Department. When a ground ambulance services provider provides transport pursuant to an emergency call as defined by the Centers for Medicare and Medicaid Services, no reduction in the mileage payment shall be made based upon the fact that a closer facility may have been available, so long as the ground ambulance services provider provided transport to the recipient's facility of choice within the scope of the Illinois Emergency Medical Services (EMS) Systems Act and associated rules and the policies and procedures of the EMS System of which the provider is a member.

(e) The Department shall provide payment for emergency ground ambulance services provided to a recipient of aid under this Article according to the requirements provided in subsection (b) of this Section when those services are provided pursuant to a request made through a 9-1-1 or equivalent emergency telephone number for evaluation, treatment, and transport from or on behalf of an individual with a condition of such a nature that a prudent layperson would have reasonably expected that a delay in seeking immediate medical attention would have been hazardous to life or health. This standard is deemed to be met if there is an emergency medical condition manifesting itself by acute symptoms of sufficient severity, including but not limited to severe pain, such that a prudent layperson who possesses an average knowledge of medicine and health can reasonably expect that the absence of immediate medical attention could result in placing the health of the individual or, with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, cause serious impairment to bodily functions, or cause serious dysfunction of any bodily organ or part.

(f) For ground ambulance services provided to a recipient enrolled in a Medicaid managed care plan by a ground ambulance services provider that is not a contracted provider to the Medicaid managed care plan in question, the amount of the payment for ground ambulance services by the Medicaid managed care plan shall be the lesser of the provider's charge, as reflected on the provider's claim form, or the Illinois Medicaid Ambulance Fee Schedule payment rates calculated in accordance with this Section.

(g) Nothing in this Section prohibits the Department from setting payment rates for out-of-State ground ambulance services providers by administrative rule.

(h) Effective for dates of service on or after July 1, 2010, payments for stretcher van services provided by ground ambulance services providers shall be as follows:

(1) For each individual base rate, the amount of the payment shall be the lesser of the provider's charge, as reflected on the provider's claim form, or 80% of the Illinois Medicaid Ambulance Fee Schedule payment rate for the basic life support non-emergency base rate.

(2) For each loaded mile, the amount of the payment shall be the lesser of the provider's charge, as reflected on the provider's claim form, or 80% of the Illinois Medicaid Ambulance Fee Schedule payment rate for mileage.

~~For ambulance services provided to a recipient of aid under this Article on or after January 1, 1993, the Illinois Department shall reimburse ambulance service providers at rates calculated in accordance with this Section. It is the intent of the General Assembly to provide adequate reimbursement for ambulance services so as to ensure adequate access to services for recipients of aid under this Article and to provide appropriate incentives to ambulance service providers to provide services in an efficient and cost effective manner. Thus, it is the intent of the General Assembly that the Illinois Department implement a reimbursement system for ambulance services that, to the extent practicable and subject to the availability of funds appropriated by the General Assembly for this purpose, is consistent with the payment principles of Medicare. To ensure uniformity between the payment principles of Medicare and Medicaid, the Illinois Department shall follow, to the extent necessary and practicable and subject to the availability of funds appropriated by the General Assembly for this purpose, the statutes, laws, regulations, policies, procedures, principles, definitions, guidelines, and manuals used to determine the amounts paid to ambulance service providers under Title XVIII of the Social Security Act (Medicare).~~

~~For ambulance services provided to a recipient of aid under this Article on or after January 1, 1996, the Illinois Department shall reimburse ambulance service providers based upon the actual distance traveled if a natural disaster, weather conditions, road repairs, or traffic congestion necessitates the use of a route other than the most direct route.~~

~~For purposes of this Section, "ambulance services" includes medical transportation services provided by means of an ambulance, medi-car, service car, or taxi.~~

~~This Section does not prohibit separate billing by ambulance service providers for oxygen furnished while providing advanced life support services.~~

(i) Beginning with services rendered on or after July 1, 2008, all providers of non-emergency medi-car and service car transportation must certify that the driver and employee attendant, as applicable, have completed a safety program approved by the Department to protect both the patient and the driver, prior to transporting a patient. The provider must maintain this certification in its records. The provider shall produce such documentation upon demand by the Department or its representative. Failure to produce documentation of such training shall result in recovery of any payments made by the Department for services rendered by a non-certified driver or employee attendant. Medi-car and service car providers must maintain legible documentation in their records of the driver and, as applicable, employee attendant that actually transported the patient. Providers must recertify all drivers and employee attendants every 3 years.

Notwithstanding the requirements above, any public transportation provider of medi-car and service car transportation that receives federal funding under 49 U.S.C. 5307 and 5311 need not certify its drivers and employee attendants under this Section, since safety training is already federally mandated.

(Source: P.A. 95-501, eff. 8-28-07.)

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

(Text of Section before amendment by P.A. 96-806)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women, provided by an individual licensed to practice dentistry or dental surgery; for purposes of this item (10), "dental services" means diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his or her profession; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services; (14) transportation and such other expenses as may be necessary, provided that payment for ground ambulance services shall be as provided in Section 5-4.2; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the

sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

The Department of Healthcare and Family Services shall provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

- (1) dental services provided by or under the supervision of a dentist; and
- (2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Department of Healthcare and Family Services must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) eosinophilic disorders and (ii) short bowel syndrome when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows:

- (A) A baseline mammogram for women 35 to 39 years of age.
- (B) An annual mammogram for women 40 years of age or older.
- (C) A mammogram at the age and intervals considered medically necessary by the woman's

health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

- (D) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with an average radiation exposure delivery of less than one rad per breast for 2 views of an average size breast. The term also includes digital mammography.

On and after July 1, 2008, screening and diagnostic mammography shall be reimbursed at the same rate as the Medicare program's rates, including the increased reimbursement for digital mammography.

The Department shall convene an expert panel including representatives of hospitals, free-standing mammography facilities, and doctors, including radiologists, to establish quality standards. Based on these quality standards, the Department shall provide for bonus payments to mammography facilities meeting the standards for screening and diagnosis. The bonus payments shall be at least 15% higher than the Medicare rates for mammography.

Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and other encounter-rate clinics. These clinics or centers may also

collaborate with other hospital-based mammography facilities.

The Department shall establish a methodology to remind women who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18 months, of the importance and benefit of screening mammography.

The Department shall establish a performance goal for primary care providers with respect to their female patients over age 40 receiving an annual mammogram. This performance goal shall be used to provide additional reimbursement in the form of a quality performance bonus to primary care providers who meet that goal.

The Department shall devise a means of case-managing or patient navigation for beneficiaries diagnosed with breast cancer. This program shall initially operate as a pilot program in areas of the State with the highest incidence of mortality related to breast cancer. At least one pilot program site shall be in the metropolitan Chicago area and at least one site shall be outside the metropolitan Chicago area. An evaluation of the pilot program shall be carried out measuring health outcomes and cost of care for those served by the pilot program compared to similarly situated patients who are not served by the pilot program.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Department of Healthcare and Family Services nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

- (1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.
- (2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.
- (3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after the effective date of this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor that provides non-emergency medical transportation, defined by the Department by rule, shall be conditional for 180 days. During that time, the Department of Healthcare and Family Services may terminate the vendor's eligibility to participate in the medical assistance program without cause. That termination of eligibility is not subject to the Department's hearing process.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients without medical authorization; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Such rules shall enable a recipient to temporarily acquire and use alternative or substitute

devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

- (a) actual statistics and trends in utilization of medical services by public aid recipients;
- (b) actual statistics and trends in the provision of the various medical services by medical vendors;
- (c) current rate structures and proposed changes in those rate structures for the various medical vendors; and
- (d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

Rulemaking authority to implement Public Act 95-1045 ~~this amendatory Act of the 95th General Assembly~~, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 95-331, eff. 8-21-07; 95-520, eff. 8-28-07; 95-1045, eff. 3-27-09; 96-156, eff. 1-1-10; revised 11-4-09.)

(Text of Section after amendment by P.A. 96-806)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women, provided by an individual licensed to practice dentistry or dental surgery; for purposes of this item (10), "dental services" means diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his or her profession; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services; (14) transportation and such other expenses as may be necessary, provided that payment for ground ambulance services shall be as provided in Section 5-4.2; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the

mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

The Department of Healthcare and Family Services shall provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

- (1) dental services provided by or under the supervision of a dentist; and
- (2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Department of Healthcare and Family Services must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) eosinophilic disorders and (ii) short bowel syndrome when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows:

- (A) A baseline mammogram for women 35 to 39 years of age.
- (B) An annual mammogram for women 40 years of age or older.
- (C) A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.
- (D) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with an average radiation exposure delivery of less than one rad per breast for 2 views of an average size breast. The term also includes digital mammography.

On and after July 1, 2008, screening and diagnostic mammography shall be reimbursed at the same rate as the Medicare program's rates, including the increased reimbursement for digital mammography.

The Department shall convene an expert panel including representatives of hospitals, free-standing mammography facilities, and doctors, including radiologists, to establish quality standards. Based on these quality standards, the Department shall provide for bonus payments to mammography facilities meeting the standards for screening and diagnosis. The bonus payments shall be at least 15% higher than the Medicare rates for mammography.

Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and other encounter-rate clinics. These clinics or centers may also collaborate with other hospital-based mammography facilities.

The Department shall establish a methodology to remind women who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18 months, of the importance and benefit of screening mammography.

The Department shall establish a performance goal for primary care providers with respect to their

female patients over age 40 receiving an annual mammogram. This performance goal shall be used to provide additional reimbursement in the form of a quality performance bonus to primary care providers who meet that goal.

The Department shall devise a means of case-managing or patient navigation for beneficiaries diagnosed with breast cancer. This program shall initially operate as a pilot program in areas of the State with the highest incidence of mortality related to breast cancer. At least one pilot program site shall be in the metropolitan Chicago area and at least one site shall be outside the metropolitan Chicago area. An evaluation of the pilot program shall be carried out measuring health outcomes and cost of care for those served by the pilot program compared to similarly situated patients who are not served by the pilot program.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Department of Healthcare and Family Services nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

Notwithstanding any other provision of law, a health care provider under the medical assistance program may elect, in lieu of receiving direct payment for services provided under that program, to participate in the State Employees Deferred Compensation Plan adopted under Article 24 of the Illinois Pension Code. A health care provider who elects to participate in the plan does not have a cause of action against the State for any damages allegedly suffered by the provider as a result of any delay by the State in crediting the amount of any contribution to the provider's plan account.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

- (1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.
- (2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.
- (3) Persons receiving medical services through Partnerships may receive medical and case

management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after the effective date of this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor that provides non-emergency medical transportation, defined by the Department by rule, shall be conditional for 180 days. During that time, the Department of Healthcare and Family Services may terminate the vendor's eligibility to participate in the medical assistance program without cause. That termination of eligibility is not subject to the Department's hearing process.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients without medical authorization; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such

equipment. Such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

- (a) actual statistics and trends in utilization of medical services by public aid recipients;
- (b) actual statistics and trends in the provision of the various medical services by medical vendors;
- (c) current rate structures and proposed changes in those rate structures for the various medical vendors; and
- (d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

Rulemaking authority to implement Public Act 95-1045 ~~this amendatory Act of the 95th General Assembly~~, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized. (Source: P.A. 95-331, eff. 8-21-07; 95-520, eff. 8-28-07; 95-1045, eff. 3-27-09; 96-156, eff. 1-1-10; 96-806, eff. 7-1-10; revised 11-4-09.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

Representative Reitz offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 5331, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 7, by inserting after line 11 the following:

"(i) All payments under subsections (a) through (h) of this Section are subject to the availability of appropriations for those purposes."; and on page 8, line 22 by changing "(i)" to "(j)".

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

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

HOUSE BILL 5350. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 5350 by replacing everything after the enacting clause with the following:

"Section 5. The Mental Health and Developmental Disabilities Code is amended by changing Sections 1-119, 3-600, 3-601, 3-602, 3-603, 3-606, 3-607, 3-610, 3-700, 3-701, 3-702, 3-703, 3-704, 3-801, 3-801.5, 3-802, 3-805, 3-807, 3-808, 3-809, 3-810, 3-811, 3-812, 3-813, 3-900, 3-901, and 3-902, by changing the heading of Article VII of Chapter III, by adding Section 1-119.1, and by adding Article VII-A to Chapter III as follows:

(405 ILCS 5/1-119) (from Ch. 91 1/2, par. 1-119)

Sec. 1-119. "Person subject to involuntary admission on an inpatient basis" means:

(1) A person with mental illness and who because of his or her illness is reasonably expected to inflict serious physical harm on herself or himself or another unless treated on an inpatient basis engage in dangerous conduct which may include threatening behavior or conduct that places that person or another individual in reasonable expectation of being harmed; or

(2) A person with mental illness and who because of his or her illness is unable to provide for his or her basic physical needs so as to guard himself or herself from serious harm unless treated on an inpatient basis without the assistance of family or outside help ; or

(3) (Blank) A person with mental illness who, because of the nature of his or her illness, is unable to understand his or her need for treatment and who, if not treated, is reasonably expected to suffer or continue to suffer mental deterioration or emotional deterioration, or both, to the point that the person is reasonably expected to engage in dangerous conduct.

In determining whether a person meets the criteria specified in paragraph (1) or ; (2), or (3), the court may consider evidence of the person's repeated past pattern of specific behavior and actions related to the person's illness. Nothing in this Section shall be interpreted as requiring a determination that the respondent has inflicted or threatened serious physical harm on himself or another in the past, so long as it is determined that the respondent is reasonably expected to inflict harm in the future as provided in paragraph (1). A person shall not be considered able to provide for his or her basic physical needs as specified in paragraph (2) if he or she is unable to provide for those needs without the assistance of family or others and said family or others are not able or willing to provide for those needs. Nothing in this Section shall be interpreted to require any family member or other person to provide assistance to a person with a mental illness.

(Source: P.A. 95-602, eff. 6-1-08.)

(405 ILCS 5/1-119.1 new)

Sec. 1-119.1. "Person subject to involuntary admission on an outpatient basis" means:

(1) A person who would meet the criteria for admission on an inpatient basis as specified in Section 1-119 in the absence of treatment on an outpatient basis and for whom treatment on an outpatient basis can only be reasonably ensured by a court order mandating such treatment; or

(2) A person with a mental illness which, if left untreated, is reasonably expected to result in an increase in the symptoms caused by the illness to the point that the person would meet the criteria for commitment under Section 1-119, and whose mental illness has, on more than one occasion in the past, caused that person to refuse needed and appropriate mental health services in the community.

(405 ILCS 5/3-600) (from Ch. 91 1/2, par. 3-600)

Sec. 3-600. A person 18 years of age or older who is subject to involuntary admission on an inpatient basis and in need of immediate hospitalization may be admitted to a mental health facility pursuant to this Article.

(Source: P.A. 80-1414.)

(405 ILCS 5/3-601) (from Ch. 91 1/2, par. 3-601)

Sec. 3-601. Involuntary admission; petition.

(a) When a person is asserted to be subject to involuntary admission on an inpatient basis and in such a condition that immediate hospitalization is necessary for the protection of such person or others from physical harm, any person 18 years of age or older may present a petition to the facility director of a mental health facility in the county where the respondent resides or is present. The petition may be prepared by the facility director of the facility.

(b) The petition shall include all of the following:

1. A detailed statement of the reason for the assertion that the respondent is subject to involuntary admission on an inpatient basis, including the signs and symptoms of a mental illness and a description of any acts, threats, or other behavior or pattern of behavior supporting the assertion and the time and place of their occurrence.

2. The name and address of the spouse, parent, guardian, substitute decision maker, if any, and close relative, or if none, the name and address of any known friend of the respondent whom the petitioner has reason to believe may know or have any of the other names and addresses. If the petitioner is unable to supply any such names and addresses, the petitioner shall state that diligent inquiry was made to learn this information and specify the steps taken.

3. The petitioner's relationship to the respondent and a statement as to whether the petitioner has legal or financial interest in the matter or is involved in litigation with the respondent. If the petitioner has a legal or financial interest in the matter or is involved in litigation with the respondent, a statement of why the petitioner believes it would not be practicable or possible for someone else to be the petitioner.

4. The names, addresses and phone numbers of the witnesses by which the facts asserted may be proved.

(c) Knowingly making a material false statement in the petition is a Class A misdemeanor.

(Source: P.A. 91-726, eff. 6-2-00; 92-651, eff. 7-11-02.)

(405 ILCS 5/3-602) (from Ch. 91 1/2, par. 3-602)

Sec. 3-602. The petition shall be accompanied by a certificate executed by a physician, qualified examiner, psychiatrist, or clinical psychologist which states that the respondent is subject to involuntary admission on an inpatient basis and requires immediate hospitalization. The certificate shall indicate that the physician, qualified examiner, psychiatrist, or clinical psychologist personally examined the respondent not more than 72 hours prior to admission. It shall also contain the physician's, qualified examiner's, psychiatrist's, or clinical psychologist's clinical observations, other factual information relied upon in reaching a diagnosis, and a statement as to whether the respondent was advised of his rights under Section 3-208.

(Source: P.A. 80-1414.)

(405 ILCS 5/3-603) (from Ch. 91 1/2, par. 3-603)

Sec. 3-603. (a) If no physician, qualified examiner, psychiatrist, or clinical psychologist is immediately available or it is not possible after a diligent effort to obtain the certificate provided for in Section 3-602, the respondent may be detained for examination in a mental health facility upon presentation of the petition alone pending the obtaining of such a certificate.

(b) In such instance the petition shall conform to the requirements of Section 3-601 and further specify that:

1. the petitioner believes, as a result of his personal observation, that the respondent is subject to involuntary admission on an inpatient basis;
2. a diligent effort was made to obtain a certificate;
3. no physician, qualified examiner, psychiatrist, or clinical psychologist could be found who has examined or could examine the respondent; and
4. a diligent effort has been made to convince the respondent to appear voluntarily for examination by a physician, qualified examiner, psychiatrist, or clinical psychologist, unless the petitioner reasonably believes that effort would impose a risk of harm to the respondent or others.

(Source: P.A. 91-726, eff. 6-2-00; 91-837, eff. 6-16-00; 92-16, eff. 6-28-01.)

(405 ILCS 5/3-606) (from Ch. 91 1/2, par. 3-606)

Sec. 3-606. A peace officer may take a person into custody and transport him to a mental health facility when the peace officer has reasonable grounds to believe that the person is subject to involuntary admission on an inpatient basis and in need of immediate hospitalization to protect such person or others from physical harm. Upon arrival at the facility, the peace officer may complete the petition under Section 3-601. If the petition is not completed by the peace officer transporting the person, the transporting officer's name, badge number, and employer shall be included in the petition as a potential witness as provided in Section 3-601 of this Chapter.

(Source: P.A. 94-202, eff. 7-12-05.)

(405 ILCS 5/3-607) (from Ch. 91 1/2, par. 3-607)

Sec. 3-607. Court ordered temporary detention and examination. When, as a result of personal observation and testimony in open court, any court has reasonable grounds to believe that a person appearing before it is subject to involuntary admission on an inpatient basis and in need of immediate hospitalization to protect such person or others from physical harm, the court may enter an order for the temporary detention and examination of such person. The order shall set forth in detail the facts which are the basis for its conclusion. The court may order a peace officer to take the person into custody and transport him to a mental health facility. The person may be detained for examination for no more than 24

hours to determine whether or not she or he is subject to involuntary admission and in need of immediate hospitalization. If a petition and certificate ~~, as provided in this Article,~~ are executed within the 24 hours, the person may be admitted provided that the certificate states that the person is both subject to involuntary admission and in need of immediate hospitalization. If the certificate states that the person is subject to involuntary admission but not in need of immediate hospitalization, the person may remain in his or her place of residence pending a hearing on the petition unless he or she voluntarily agrees to inpatient treatment. ~~The and the~~ provisions of this Article shall apply to all petitions and certificates executed pursuant to this Section. If no petition or certificate is executed, the person shall be released.

(Source: P.A. 91-726, eff. 6-2-00.)

(405 ILCS 5/3-610) (from Ch. 91 1/2, par. 3-610)

Sec. 3-610. As soon as possible but not later than 24 hours, excluding Saturdays, Sundays and holidays, after admission of a respondent pursuant to this Article, the respondent shall be examined by a psychiatrist. The psychiatrist may be a member of the staff of the facility but shall not be the person who executed the first certificate. If a certificate has already been completed by a psychiatrist following the respondent's admission, the respondent shall be examined by another psychiatrist or by a physician, clinical psychologist, or qualified examiner. If, as a result of this second examination, a certificate is executed, the certificate shall be promptly filed with the court. If the certificate states that the respondent is subject to involuntary admission but not in need of immediate hospitalization, the respondent may remain in his or her place of residence pending a hearing on the petition unless he or she voluntarily agrees to inpatient treatment. If the respondent is not examined or if the psychiatrist, physician, clinical psychologist, or qualified examiner does not execute a certificate pursuant to Section 3-602, the respondent shall be released forthwith.

(Source: P.A. 80-1414.)

(405 ILCS 5/Ch. III Art. VII heading)

ARTICLE VII. ADMISSION ON AN INPATIENT BASIS BY COURT ORDER

(405 ILCS 5/3-700) (from Ch. 91 1/2, par. 3-700)

Sec. 3-700. A person 18 years of age or older who is subject to involuntary admission on an inpatient basis may be admitted to an inpatient a mental health facility upon court order pursuant to this Article.

(Source: P.A. 80-1414.)

(405 ILCS 5/3-701) (from Ch. 91 1/2, par. 3-701)

Sec. 3-701. (a) Any person 18 years of age or older may execute a petition asserting that another person is subject to involuntary admission on an inpatient basis. The petition shall be prepared pursuant to paragraph (b) of Section 3-601 and shall be filed with the court in the county where the respondent resides or is present.

(b) The court may inquire of the petitioner whether there are reasonable grounds to believe that the facts stated in the petition are true and whether the respondent is subject to involuntary admission. The inquiry may proceed without notice to the respondent only if the petitioner alleges facts showing that an emergency exists such that immediate hospitalization is necessary and the petitioner testifies before the court as to the factual basis for the allegations.

(c) A petition for involuntary admission on an inpatient basis may be combined with or accompanied by a petition for involuntary admission on an outpatient basis under Article VII-A.

(Source: P.A. 91-837, eff. 6-16-00.)

(405 ILCS 5/3-702) (from Ch. 91 1/2, par. 3-702)

Sec. 3-702. (a) The petition may be accompanied by the certificate of a physician, qualified examiner, psychiatrist, or clinical psychologist which certifies that the respondent is subject to involuntary admission on an inpatient basis and which contains the other information specified in Section 3-602.

(b) Upon receipt of the petition either with or without a certificate, if the court finds the documents are in order, it may make such orders pursuant to Section 3-703 as are necessary to provide for examination of the respondent. If the petition is not accompanied by 2 certificates executed pursuant to Section 3-703, the court may order the respondent to present himself for examination at a time and place designated by the court. If the petition is accompanied by 2 certificates executed pursuant to Section 3-703 and the court finds the documents are in order, it shall set the matter for hearing.

(Source: P.A. 91-726, eff. 6-2-00.)

(405 ILCS 5/3-703) (from Ch. 91 1/2, par. 3-703)

Sec. 3-703. If no certificate was filed, the respondent shall be examined separately by a physician, or clinical psychologist, or qualified examiner and by a psychiatrist. If a certificate executed by a psychiatrist was filed, the respondent shall be examined by a physician, clinical psychologist, qualified examiner, or

psychiatrist. If a certificate executed by a qualified examiner, clinical psychologist, or a physician who is not a psychiatrist was filed, the respondent shall be examined by a psychiatrist. The examining physician, clinical psychologist, qualified examiner or psychiatrist may interview by telephone or in person any witnesses or other persons listed in the petition for involuntary admission. If, as a result of an examination, a certificate is executed, the certificate shall be promptly filed with the court. If a certificate is executed, the examining physician, clinical psychologist, qualified examiner or psychiatrist may also submit for filing with the court a report in which his findings are described in detail, and may rely upon such findings for his opinion that the respondent is subject to involuntary admission on an inpatient basis. Copies of the certificates shall be made available to the attorneys for the parties upon request prior to the hearing. A certificate prepared in compliance with this Article shall state whether or not the respondent is in need of immediate hospitalization. However, if both the certificates state that the respondent is not in need of immediate hospitalization, the respondent may remain in his or her place of residence pending a hearing on the petition unless he or she voluntarily agrees to inpatient treatment.

(Source: P.A. 85-558.)

(405 ILCS 5/3-704) (from Ch. 91 1/2, par. 3-704)

Sec. 3-704. Examination; detention.

(a) The respondent shall be permitted to remain in his or her place of residence pending any examination. The respondent may be accompanied by one or more of his or her relatives or friends or by his or her attorney to the place of examination. If, however, the court finds that it is necessary in order to complete the examination the court may order that the person be admitted to a mental health facility pending examination and may order a peace officer or other person to transport the person there. The examination shall be conducted at a local mental health facility or hospital or, if possible, in the respondent's own place of residence. No person may be detained for examination under this Section for more than 24 hours. The person shall be released upon completion of the examination unless the physician, qualified examiner or clinical psychologist executes a certificate stating that the person is subject to involuntary admission on an inpatient basis and in need of immediate hospitalization to protect such person or others from physical harm. Upon admission under this Section treatment may be given pursuant to Section 3-608.

(a-5) Whenever a respondent has been transported to a mental health facility for an examination, the admitting facility shall inquire, upon the respondent's arrival, whether the respondent wishes any person or persons to be notified of his or her detention at that facility. If the respondent does wish to have any person or persons notified of his or her detention at the facility, the facility must promptly make all reasonable attempts to locate the individual identified by the respondent, or at least 2 individuals identified by the respondent if more than one has been identified, and notify them of the respondent's detention at the facility for a mandatory examination pursuant to court order.

(b) Not later than 24 hours, excluding Saturdays, Sundays, and holidays, after admission under this Section, the respondent shall be asked if he desires the petition and the notice required under Section 3-206 sent to any other persons and at least 2 such persons designated by the respondent shall be sent the documents. At the time of his admission the respondent shall be allowed to complete not fewer than 2 telephone calls to such persons as he chooses.

(Source: P.A. 91-726, eff. 6-2-00; 91-837, eff. 6-16-00; 92-16, eff. 6-28-01.)

(405 ILCS 5/Ch. III Art. VII-A heading new)

ARTICLE VII-A. ADMISSION ON AN OUTPATIENT BASIS BY COURT ORDER

(405 ILCS 5/3-750 new)

Sec. 3-750. Involuntary admission on an outpatient basis. A person 18 years of age or older who is subject to involuntary admission on an outpatient basis may receive alternative treatment in the community or may be placed in the care and custody of a relative or other person upon court order pursuant to this Article.

(405 ILCS 5/3-751 new)

Sec. 3-751. Involuntary admission; petition.

(a) Any person 18 years of age or older may execute a petition asserting that another person is subject to involuntary admission on an outpatient basis. The petition shall be prepared pursuant to paragraph (b) of Section 3-601 and shall be filed with the court in the county where the respondent resides or is present.

(b) The court may inquire of the petitioner whether there are reasonable grounds to believe that the facts stated in the petition are true and whether the respondent is subject to involuntary admission on an outpatient basis.

(c) A petition for involuntary admission on an outpatient basis may be combined with or accompanied by a petition for involuntary admission on an inpatient basis under Article VII.

(405 ILCS 5/3-752 new)

Sec. 3-752. Certificate.

(a) The petition may be accompanied by the certificate of a physician, qualified examiner, psychiatrist, or clinical psychologist which certifies that the respondent is subject to involuntary admission on an outpatient basis. The certificate shall indicate that the physician, qualified examiner, or clinical psychologist personally examined the respondent not more than 72 hours prior to the completion of the certificate. It shall also contain the physician's, qualified examiner's, or clinical psychologist's clinical observations, other factual information relied upon in reaching a diagnosis, and a statement as to whether the respondent was advised of his or her rights under Section 3-208.

(b) Upon receipt of the petition either with or without a certificate, if the court finds the documents are in order, it may make such orders pursuant to Section 3-753 as are necessary to provide for examination of the respondent. If the petition is not accompanied by 2 certificates executed pursuant to Section 3-753, the court may order the respondent to present himself or herself for examination at a time and place designated by the court. If the petition is accompanied by 2 certificates executed pursuant to Section 3-753 and the court finds the documents are in order, the court shall set the matter for hearing.

(405 ILCS 5/3-753 new)

Sec. 3-753. Examination. If no certificate was filed, the respondent shall be examined separately by a physician, or clinical psychologist or qualified examiner and by a psychiatrist. If a certificate executed by a psychiatrist was filed, the respondent shall be examined by a physician, clinical psychologist, qualified examiner, or psychiatrist. If a certificate executed by a qualified examiner, clinical psychologist, or a physician who is not a psychiatrist was filed, the respondent shall be examined by a psychiatrist. The examining physician, clinical psychologist, qualified examiner or psychiatrist may interview by telephone or in person any witnesses or other persons listed in the petition for involuntary admission. If, as a result of an examination, a certificate is executed, the certificate shall be promptly filed with the court. If a certificate is executed, the examining physician, clinical psychologist, qualified examiner or psychiatrist may also submit for filing with the court a report in which his or her findings are described in detail, and may rely upon such findings for his opinion that the respondent is subject to involuntary admission. Copies of the certificates shall be made available to the attorneys for the parties upon request prior to the hearing.

(405 ILCS 5/3-754 new)

Sec. 3-754. Detention.

(a) The respondent shall be permitted to remain in his or her place of residence pending any examination. The respondent may be accompanied by one or more of his or her relatives or friends or by his or her attorney to the place of examination. If, however, the respondent refuses to cooperate with an examination on an outpatient basis, the court may order that the person be admitted to a mental health facility solely for the purpose of such examination and may order a peace officer or other person to transport the person there. The examination shall be conducted at a local mental health facility or hospital or, if possible, in the respondent's own place of residence. No person may be detained for examination under this Section for more than 24 hours. The person shall be released upon completion of the examination unless the physician, qualified examiner or clinical psychologist executes a certificate stating that the person is subject to involuntary admission on an inpatient basis and in need of immediate hospitalization to protect such person or others from physical harm and a petition is filed pursuant to Section 3-701. Upon admission under this Section treatment may be given pursuant to Section 3-608. If the respondent is admitted on an inpatient basis, the facility shall proceed pursuant to Article VII.

(b) Whenever a respondent has been transported to a mental health facility for an examination, the admitting facility shall inquire, upon the respondent's arrival, whether the respondent wishes any person or persons to be notified of his or her detention at that facility. If the respondent does wish to have any person or persons notified of his or her detention at the facility, the facility must promptly make all reasonable attempts to locate the individual identified by the respondent, or at least 2 individuals identified by the respondent if more than one has been identified, and notify them of the respondent's detention at the facility for a mandatory examination pursuant to court order.

(405 ILCS 5/3-755 new)

Sec. 3-755. Notice. At least 36 hours before the time of the examination fixed by the court, a copy of the petition, the order for examination, and a statement of rights as provided in Section 3-205 shall be personally delivered to the person and shall be given personally or sent by mail to his or her attorney and guardian, if any. If the respondent is admitted to a mental health facility for examination under Section 3-754, such notices may be delivered at the time of service of the order for admission.

(405 ILCS 5/3-756 new)

Sec. 3-756. Court hearing. The court shall set a hearing to be held within 15 days, excluding Saturdays, Sundays, and holidays, after its receipt of the second certificate. The court shall direct that notice of the time and place of hearing be served upon the respondent, his or her attorney, and guardian, if any, and his or her responsible relatives. The respondent may remain at his residence pending the hearing. If, however, the court finds it necessary, it may order a peace officer or another person to have the respondent before the court at the time and place set for hearing.

(405 ILCS 5/3-801) (from Ch. 91 1/2, par. 3-801)

Sec. 3-801. A respondent may request admission as an informal or voluntary recipient at any time prior to an adjudication that he is subject to involuntary admission on an inpatient or outpatient basis. The facility director shall approve such a request unless the facility director determines that the respondent lacks the capacity to consent to informal or voluntary admission or that informal or voluntary admission is clinically inappropriate. The director shall not find that voluntary admission is clinically inappropriate in the absence of a documented history of the respondent's illness and treatment demonstrating that the respondent is unlikely to continue to receive needed treatment following release from informal or voluntary admission and that an order for involuntary admission on an outpatient basis ~~alternative treatment or for care and custody~~ is necessary in order to ensure continuity of treatment outside a mental health facility.

If the facility director approves such a request, the petitioner shall be notified of the request and of his or her right to object thereto, if the petitioner has requested such notification on that individual recipient. The court may dismiss the pending proceedings, but shall consider any objection made by either the petitioner or the State's Attorney and may require proof that such dismissal is in the best interest of the respondent and of the public. If voluntary admission is accepted and the petition is dismissed by the court, notice shall be provided to the petitioner, orally and in writing, of his or her right to receive notice of the recipient's discharge pursuant to Section 3-902(d).

(Source: P.A. 96-570, eff. 1-1-10.)

(405 ILCS 5/3-801.5)

Sec. 3-801.5. Agreed order for admission on an outpatient basis ~~alternative treatment or care and custody~~.

(a) At any time before the conclusion of the hearing and the entry of the court's findings, a respondent may enter into an agreement to be subject to an order for admission on an outpatient basis ~~alternative treatment or care and custody~~ as provided for in Sections 3-811, 3-812, 3-813, and 3-815 of this Code, provided that:

(1) The court and the parties have been presented with a written report pursuant to Section 3-810 of this Code containing a recommendation for court-ordered admission on an outpatient basis ~~alternative treatment or care and custody~~ and setting forth in detail the conditions for such an order, and the court is satisfied that the proposal for admission on an outpatient basis ~~alternative treatment or care and custody~~ is in the best interest of the respondent and of the public.

(2) The court advises the respondent of the conditions of the proposed order in open court and is satisfied that the respondent understands and agrees to the conditions of the proposed order for admission on an outpatient basis ~~alternative treatment or care and custody~~.

(3) The proposed custodian is advised of the recommendation for care and custody and agrees to abide by the terms of the proposed order.

(4) No such order may require the respondent to be hospitalized except as provided in subsection (b) of this Section.

(5) No order may include as one of its conditions the administration of psychotropic medication, unless the court determines, based on the documented history of the respondent's treatment and illness, that the respondent is unlikely to continue to receive needed psychotropic medication in the absence of such an order.

(b) An agreed order of care and custody entered pursuant to this Section may grant the custodian the authority to admit a respondent to a hospital if the respondent fails to comply with the conditions of the agreed order. If necessary in order to obtain the hospitalization of the respondent, the custodian may apply to the court for an order authorizing an officer of the peace to take the respondent into custody and transport the respondent to the hospital specified in the agreed order. The provisions of Section 3-605 of this Code shall govern the transportation of the respondent to a mental health facility, except to the extent that those provisions are inconsistent with this Section. However, a person admitted to a hospital pursuant to powers granted under an agreed order for care and custody shall be treated as a voluntary recipient pursuant to Article IV of this Chapter and shall be advised immediately of his or her right to request a discharge pursuant to Section 3-403 of this Code.

(c) If the court has appointed counsel for the respondent pursuant to Section 3-805 of this Code, that appointment shall continue for the duration of any order entered under this Section, and the respondent shall be represented by counsel in any proceeding held pursuant to this Section.

(d) An order entered under this Section shall not constitute a finding that the respondent is subject to involuntary admission on an inpatient or outpatient basis.

(e) Nothing in this Section shall be deemed to create an agency relationship between the respondent and any custodian appointed pursuant to this Section.

(f) Notwithstanding any other provision of Illinois law, no respondent may be cited for contempt for violating the terms and conditions of his or her agreed order of care and custody.

(Source: P.A. 94-521, eff. 1-1-06.)

(405 ILCS 5/3-802) (from Ch. 91 1/2, par. 3-802)

Sec. 3-802. The respondent is entitled to a jury on the question of whether he is subject to involuntary admission on an inpatient or outpatient basis. The jury shall consist of 6 persons to be chosen in the same manner as are jurors in other civil proceedings. A respondent is not entitled to a jury on the question of whether psychotropic medication or electroconvulsive therapy may be administered under Section 2-107.1.

(Source: P.A. 95-172, eff. 8-14-07.)

(405 ILCS 5/3-805) (from Ch. 91 1/2, par. 3-805)

Sec. 3-805. Every respondent alleged to be subject to involuntary admission on an inpatient or outpatient basis shall be represented by counsel. If the respondent is indigent or an appearance has not been entered on his behalf at the time the matter is set for hearing, the court shall appoint counsel for him. A hearing shall not proceed when a respondent is not represented by counsel unless, after conferring with counsel, the respondent requests to represent himself and the court is satisfied that the respondent has the capacity to make an informed waiver of his right to counsel. Counsel shall be allowed time for adequate preparation and shall not be prevented from conferring with the respondent at reasonable times nor from making an investigation of the matters in issue and presenting such relevant evidence as he believes is necessary.

1. If the court determines that the respondent is unable to obtain counsel, the court shall appoint as counsel an attorney employed by or under contract with the Guardianship and Mental Health Advocacy Commission, if available.

2. If an attorney from the Guardianship and Mental Health Advocacy Commission is not available, the court shall appoint as counsel the public defender or, only if no public defender is available, an attorney licensed to practice law in this State.

3. Upon filing with the court of a verified statement of legal services rendered by the private attorney appointed pursuant to paragraph (2) of this Section, the court shall determine a reasonable fee for such services. If the respondent is unable to pay the fee, the court shall enter an order upon the county to pay the entire fee or such amount as the respondent is unable to pay.

(Source: P.A. 80-1414.)

(405 ILCS 5/3-807) (from Ch. 91 1/2, par. 3-807)

Sec. 3-807. No respondent may be found subject to involuntary admission on an inpatient or outpatient basis unless at least one psychiatrist, clinical social worker, or clinical psychologist who has examined him testifies in person at the hearing. The respondent may waive the requirement of the testimony subject to the approval of the court.

(Source: P.A. 87-530.)

(405 ILCS 5/3-808) (from Ch. 91 1/2, par. 3-808)

Sec. 3-808. No respondent may be found subject to involuntary admission on an inpatient or outpatient basis unless that finding has been established by clear and convincing evidence.

(Source: P.A. 80-1414.)

(405 ILCS 5/3-809) (from Ch. 91 1/2, par. 3-809)

Sec. 3-809. If the respondent is not found subject to involuntary admission on an inpatient or outpatient basis, the court shall dismiss the petition and order the respondent discharged. If the respondent is found subject to involuntary admission on an inpatient or outpatient basis, the court shall enter an order so specifying. If the court is not satisfied with the verdict of the jury finding the respondent subject to involuntary admission on an inpatient or outpatient basis, it may set aside such verdict and order the respondent discharged or it may order another hearing.

(Source: P.A. 80-1414.)

(405 ILCS 5/3-810) (from Ch. 91 1/2, par. 3-810)

Sec. 3-810. Before disposition is determined, the facility director or such other person as the court may direct shall prepare a written report including information on the appropriateness and availability of

alternative treatment settings, a social investigation of the respondent, a preliminary treatment plan, and any other information which the court may order. The treatment plan shall describe the respondent's problems and needs, the treatment goals, the proposed treatment methods, and a projected timetable for their attainment. If the respondent is found subject to involuntary admission on an inpatient or outpatient basis, the court shall consider the report in determining an appropriate disposition.

(Source: P.A. 91-726, eff. 6-2-00.)

(405 ILCS 5/3-811) (from Ch. 91 1/2, par. 3-811)

Sec. 3-811. Involuntary admission; alternative mental health facilities.

(a) If any person is found subject to involuntary admission on an inpatient basis, the court shall consider alternative mental health facilities which are appropriate for and available to the respondent, including but not limited to hospitalization. The court may order the respondent to undergo a program of hospitalization in a mental health facility designated by the Department, in a licensed private hospital or private mental health facility if it agrees, or in a facility of the United States Veterans Administration if it agrees. If any person is found subject to involuntary admission on an outpatient basis, ~~or~~ the court may order the respondent to undergo a program of alternative treatment; or the court may place the respondent in the care and custody of a relative or other person willing and able to properly care for him or her. The court shall order the least restrictive alternative for treatment which is appropriate.

(b) Whenever a person is found subject to involuntary admission on an inpatient or outpatient basis, notice shall be provided to the petitioner, orally and in writing, of his or her right to receive notice of the recipient's discharge pursuant to Section 3-902(d).

(Source: P.A. 96-570, eff. 1-1-10.)

(405 ILCS 5/3-812) (from Ch. 91 1/2, par. 3-812)

Sec. 3-812. Court ordered admission on an outpatient basis ~~alternative treatment~~; modification; revocation.

(a) If a respondent is found subject to involuntary admission on an outpatient basis, the court may issue an order: (i) placing the respondent in the care and custody of a relative or other person willing and able to properly care for him or her; or (ii) committing the respondent to alternative treatment at a community mental health provider.

(b) An order placing the respondent in the care and custody of a relative or other person shall specify the powers and duties of the custodian. An order of care and custody entered pursuant to this Section may grant the custodian the authority to admit a respondent to a hospital if the respondent fails to comply with the conditions of the order. If necessary in order to obtain the hospitalization of the respondent, the custodian may apply to the court for an order authorizing an officer of the peace to take the respondent into custody and transport the respondent to the hospital specified in the agreed order. The provisions of Section 3-605 shall govern the transportation of the respondent to a mental health facility, except to the extent that those provisions are inconsistent with this Section. No person admitted to a hospital pursuant to this subsection shall be detained for longer than 24 hours, excluding Saturdays, Sundays, and holidays, unless, within that period, a petition for involuntary admission on an inpatient basis and a certificate supporting such petition have been filed as provided in Section 3-611.

(c) ~~(a)~~ Alternative treatment shall not be ordered unless the program being considered is capable of providing adequate and humane treatment in the least restrictive setting which is appropriate to the respondent's condition. The court shall have continuing authority to modify an order for alternative treatment if the recipient fails to comply with the order or is otherwise found unsuitable for alternative treatment. Prior to modifying such an order, the court shall receive a report from the facility director of the program specifying why the alternative treatment is unsuitable. The recipient shall be notified and given an opportunity to respond when modification of the order for alternative treatment is considered. If the court determines that the respondent has violated the order for alternative treatment in the community or that alternative treatment in the community will no longer provide adequate assurances for the safety of the respondent or others, the court may revoke the order for alternative treatment in the community and may order a peace officer to take the recipient into custody and transport him to an inpatient mental health facility. The provisions of Section 3-605 shall govern the transportation of the respondent to a mental health facility, except to the extent that those provisions are inconsistent with this Section. No person admitted to a hospital pursuant to this subsection shall be detained for longer than 24 hours, excluding Saturdays, Sundays, and holidays, unless, within that period, a petition for involuntary admission on an inpatient basis and a certificate supporting such petition have been filed as provided in Section 3-611.

~~(b) If the court revokes an order for alternative treatment and orders a recipient hospitalized, it may order a peace officer to take the recipient into custody and transport him to the facility. The court may order the~~

~~recipient to undergo a program of hospitalization at a licensed private hospital or private mental health facility, or a facility of the United States Veterans Administration, if such private or Veterans Administration facility agrees to such placement, or at a mental health facility designated by the Department.~~

(Source: P.A. 91-726, eff. 6-2-00.)

(405 ILCS 5/3-813) (from Ch. 91 1/2, par. 3-813)

Sec. 3-813. (a) An initial order for ~~commitment on an inpatient basis hospitalization~~ shall be for a period not to exceed 90 days. Prior to the expiration of the initial order if the facility director believes that the recipient continues to be subject to involuntary admission ~~on an inpatient or outpatient basis~~, a new petition and 2 new certificates may be filed with the court. If a petition is filed, the facility director shall file with the court a current treatment plan which includes an evaluation of the recipient's progress and the extent to which he is benefiting from treatment. If no petition is filed prior to the expiration of the initial order, the recipient shall be discharged. Following a hearing, the court may order a second period of commitment on an inpatient basis hospitalization not to exceed 90 days only if it finds that the recipient continues to be subject to involuntary admission on an inpatient basis. If, following a hearing, the court determines that the respondent is subject to involuntary admission on an outpatient basis as provided in Section 3-812, the court may order respondent committed on an outpatient basis for a period not to exceed 180 days.

(a-1) An initial order of commitment on an outpatient basis shall be for a period not to exceed 180 days. Prior to the expiration of the initial order, if the facility director or the custodian believes that the recipient continues to be subject to involuntary admission on an outpatient basis, a new petition and 2 new certificates may be filed with the court. If a petition is filed, the facility director or the custodian shall file with the court a current treatment plan which includes an evaluation of the recipient's progress and the extent to which he or she is benefiting from treatment. If no petition is filed prior to the expiration of the initial order, the recipient shall be discharged. Following a hearing, the court may order a second period of commitment on an outpatient basis not to exceed 180 days only if it finds that the recipient continues to be subject to involuntary admission on an outpatient basis.

(b) Additional 180 day periods of ~~inpatient or outpatient commitment treatment~~ may be sought pursuant to the procedures set out in this Section for so long as the recipient continues to meet the standard for such commitment be subject to involuntary admission. The provisions of this chapter which apply whenever an initial order is sought shall apply whenever an additional period of inpatient or outpatient commitment treatment is sought.

(Source: P.A. 91-787, eff. 1-1-01.)

(405 ILCS 5/3-900) (from Ch. 91 1/2, par. 3-900)

Sec. 3-900. (a) Any person ~~committed on an inpatient or outpatient basis hospitalized or admitted to alternative treatment or care and custody as having mental illness~~ on court order under this Chapter or under any prior statute or any person on his behalf may file a petition for discharge at any time in the court of the county where the recipient resides or is found.

(b) The petition shall set forth: (1) the name of the recipient; (2) the underlying circumstances and date of the order; (3) a request for discharge from the order; and (4) the reasons for such request.

(Source: P.A. 88-380.)

(405 ILCS 5/3-901) (from Ch. 91 1/2, par. 3-901)

Sec. 3-901. (a) Upon the filing of a petition under Section 3-900 or Section 3-906, the court shall set the matter for hearing to be held within 5 days, excluding Saturdays, Sundays, and holidays. The court shall direct that notice of the time and place of the hearing be given to the recipient, his attorney, his guardian, the facility director, the person having care and custody of the recipient, and to at least 2 persons whom the recipient may designate.

(b) Article VIII of this Chapter applies to hearings held under this Section. The court shall determine whether the recipient is: (i) subject to involuntary admission on an inpatient basis; (ii) subject to involuntary admission on an outpatient basis; or (iii) not subject to involuntary admission on either an inpatient or outpatient basis. If the court finds that the recipient is not subject to involuntary admission on an inpatient or outpatient basis, the court shall enter an order so finding and discharging the recipient. If the court orders the discharge of a recipient who was adjudicated as having mental illness pursuant to any prior statute of this State or who was otherwise adjudicated to be under legal disability, the court shall also enter an order restoring the recipient to legal status without disability unless the court finds that the recipient continues to be under legal disability. A copy of any order discharging the recipient shall be given to the recipient and to the facility director.

(b-1) If the court determines that the recipient is subject to involuntary admission on an outpatient basis,

the court shall enter an appropriate order pursuant to Section 3-812.

(c) If the court determines that the recipient continues to be subject to involuntary admission on an inpatient basis, the court may continue or modify its original order in accordance with this Act. Thereafter, no new petition for discharge may be filed without leave of court.

(Source: P.A. 88-380.)

(405 ILCS 5/3-902) (from Ch. 91 1/2, par. 3-902)

Sec. 3-902. Director initiated discharge.

(a) The facility director may at any time discharge an informal, voluntary, or minor recipient who is clinically suitable for discharge.

(b) The facility director shall discharge a recipient admitted upon court order under this Chapter or any prior statute where he is no longer subject to involuntary admission on an inpatient basis. If the facility director believes that continuing treatment is advisable for such recipient, he shall inform the recipient of his right to remain as an informal or voluntary recipient. If the facility director determines that the recipient is subject to involuntary admission on an outpatient basis, he or she shall petition the court for such a commitment pursuant to this Chapter.

(c) When a facility director discharges or changes the status of a recipient pursuant to this Section he shall promptly notify the clerk of the court which entered the original order of the discharge or change in status. Upon receipt of such notice, the clerk of the court shall note the action taken in the court record. If the person being discharged is a person under legal disability, the facility director shall also submit a certificate regarding his legal status without disability pursuant to Section 3-907.

(d) When the facility director determines that discharge is appropriate for a recipient pursuant to this Section or Section 3-403 he or she shall notify the state's attorney of the county in which the recipient resided immediately prior to his admission to a mental health facility and the state's attorney of the county where the last petition for commitment was filed at least 48 hours prior to the discharge when either state's attorney has requested in writing such notification on that individual recipient or when the facility director regards a recipient as a continuing threat to the peace and safety of the community. Upon receipt of such notice, the state's attorney may take any court action or notify such peace officers that he deems appropriate. When the facility director determines that discharge is appropriate for a recipient pursuant to this Section or Section 3-403, he or she shall notify the person whose petition pursuant to Section 3-701 resulted in the current hospitalization of the recipient's discharge at least 48 hours prior to the discharge, if the petitioner has requested in writing such notification on that individual recipient.

(e) The facility director may grant a temporary release to a recipient whose condition is not considered appropriate for discharge where such release is considered to be clinically appropriate, provided that the release does not endanger the public safety.

(Source: P.A. 96-570, eff. 1-1-10.)

(405 ILCS 5/1-104.5 rep.) (405 ILCS 5/3-704.1 rep.) (405 ILCS 5/3-815 rep.)

Section 10. The Mental Health and Developmental Disabilities Code is amended by repealing Sections 1-104.5, 3-704.1, and 3-815.

Section 15. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Sections 4, 9.2, and 10 as follows:

(740 ILCS 110/4) (from Ch. 91 1/2, par. 804)

Sec. 4. (a) The following persons shall be entitled, upon request, to inspect and copy a recipient's record or any part thereof:

(1) the parent or guardian of a recipient who is under 12 years of age;

(2) the recipient if he is 12 years of age or older;

(3) the parent or guardian of a recipient who is at least 12 but under 18 years, if the recipient is informed and does not object or if the therapist does not find that there are compelling reasons for denying the access. The parent or guardian who is denied access by either the recipient or the therapist may petition a court for access to the record. Nothing in this paragraph is intended to prohibit the parent or guardian of a recipient who is at least 12 but under 18 years from requesting and receiving the following information: current physical and mental condition, diagnosis, treatment needs, services provided, and services needed, including medication, if any;

(4) the guardian of a recipient who is 18 years or older;

(5) an attorney or guardian ad litem who represents a minor 12 years of age or older in any judicial or administrative proceeding, provided that the court or administrative hearing officer has entered an order granting the attorney this right; ~~or~~

(6) an agent appointed under a recipient's power of attorney for health care or for

property, when the power of attorney authorizes the access; -

(7) an attorney-in-fact appointed under the Mental Health Treatment Preference Declaration Act; or

(8) any person in whose care and custody the recipient has been placed pursuant to Section 3-811 of the Mental Health and Developmental Disabilities Code.

(b) Assistance in interpreting the record may be provided without charge and shall be provided if the person inspecting the record is under 18 years of age. However, access may in no way be denied or limited if the person inspecting the record refuses the assistance. A reasonable fee may be charged for duplication of a record. However, when requested to do so in writing by any indigent recipient, the custodian of the records shall provide at no charge to the recipient, or to the Guardianship and Advocacy Commission, the agency designated by the Governor under Section 1 of the Protection and Advocacy for Developmentally Disabled Persons Act or to any other not-for-profit agency whose primary purpose is to provide free legal services or advocacy for the indigent and who has received written authorization from the recipient under Section 5 of this Act to receive his records, one copy of any records in its possession whose disclosure is authorized under this Act.

(c) Any person entitled to access to a record under this Section may submit a written statement concerning any disputed or new information, which statement shall be entered into the record. Whenever any disputed part of a record is disclosed, any submitted statement relating thereto shall accompany the disclosed part. Additionally, any person entitled to access may request modification of any part of the record which he believes is incorrect or misleading. If the request is refused, the person may seek a court order to compel modification.

(d) Whenever access or modification is requested, the request and any action taken thereon shall be noted in the recipient's record.

(Source: P.A. 88-484; 89-439, eff. 6-1-96.)

(740 ILCS 110/9.2)

Sec. 9.2. Interagency disclosure of recipient information. For the purposes of continuity of care, the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), community agencies funded by the Department of Human Services in that capacity, licensed private hospitals receiving payments from the Department of Human Services or the Department of Healthcare and Family Services, State correctional facilities ~~prisons operated by the Department of Corrections~~, mental health facilities operated by a county, and jails operated by any county of this State may disclose a recipient's record or communications, without consent, to each other, but only for the purpose of admission, treatment, planning, or discharge. Entities shall not redisclose any personally identifiable information, unless necessary for admission, treatment, planning, or discharge of the identified recipient to another setting. No records or communications may be disclosed to a county jail or State correctional facility ~~prison~~ pursuant to this Section unless the Department has entered into a written agreement with the county jail or State correctional facility ~~prison~~ requiring that the county jail or State correctional facility ~~prison~~ adopt written policies and procedures designed to ensure that the records and communications are disclosed only to those persons employed by or under contract to the county jail or State correctional facility ~~prison~~ who are involved in the provision of mental health services to inmates and that the records and communications are protected from further disclosure.

(Source: P.A. 94-182, eff. 7-12-05.)

(740 ILCS 110/10) (from Ch. 91 1/2, par. 810)

Sec. 10. (a) Except as provided herein, in any civil, criminal, administrative, or legislative proceeding, or in any proceeding preliminary thereto, a recipient, and a therapist on behalf and in the interest of a recipient, has the privilege to refuse to disclose and to prevent the disclosure of the recipient's record or communications.

(1) Records and communications may be disclosed in a civil, criminal or administrative proceeding in which the recipient introduces his mental condition or any aspect of his services received for such condition as an element of his claim or defense, if and only to the extent the court in which the proceedings have been brought, or, in the case of an administrative proceeding, the court to which an appeal or other action for review of an administrative determination may be taken, finds, after in camera examination of testimony or other evidence, that it is relevant, probative, not unduly prejudicial or inflammatory, and otherwise clearly admissible; that other satisfactory evidence is demonstrably unsatisfactory as evidence of the facts sought to be established by such evidence; and that disclosure is more important to the interests of substantial justice than protection from injury to the therapist-recipient relationship or to the recipient or other whom disclosure is likely to harm. Except in a criminal proceeding in which the recipient, who is accused in that proceeding, raises the defense of insanity, no

record or communication between a therapist and a recipient shall be deemed relevant for purposes of this subsection, except the fact of treatment, the cost of services and the ultimate diagnosis unless the party seeking disclosure of the communication clearly establishes in the trial court a compelling need for its production. However, for purposes of this Act, in any action brought or defended under the Illinois Marriage and Dissolution of Marriage Act, or in any action in which pain and suffering is an element of the claim, mental condition shall not be deemed to be introduced merely by making such claim and shall be deemed to be introduced only if the recipient or a witness on his behalf first testifies concerning the record or communication.

(2) Records or communications may be disclosed in a civil proceeding after the recipient's death when the recipient's physical or mental condition has been introduced as an element of a claim or defense by any party claiming or defending through or as a beneficiary of the recipient, provided the court finds, after in camera examination of the evidence, that it is relevant, probative, and otherwise clearly admissible; that other satisfactory evidence is not available regarding the facts sought to be established by such evidence; and that disclosure is more important to the interests of substantial justice than protection from any injury which disclosure is likely to cause.

(3) In the event of a claim made or an action filed by a recipient, or, following the recipient's death, by any party claiming as a beneficiary of the recipient for injury caused in the course of providing services to such recipient, the therapist and other persons whose actions are alleged to have been the cause of injury may disclose pertinent records and communications to an attorney or attorneys engaged to render advice about and to provide representation in connection with such matter and to persons working under the supervision of such attorney or attorneys, and may testify as to such records or communication in any administrative, judicial or discovery proceeding for the purpose of preparing and presenting a defense against such claim or action.

(4) Records and communications made to or by a therapist in the course of examination ordered by a court for good cause shown may, if otherwise relevant and admissible, be disclosed in a civil, criminal, or administrative proceeding in which the recipient is a party or in appropriate pretrial proceedings, provided such court has found that the recipient has been as adequately and as effectively as possible informed before submitting to such examination that such records and communications would not be considered confidential or privileged. Such records and communications shall be admissible only as to issues involving the recipient's physical or mental condition and only to the extent that these are germane to such proceedings.

(5) Records and communications may be disclosed in a proceeding under the Probate Act of 1975, to determine a recipient's competency or need for guardianship, provided that the disclosure is made only with respect to that issue.

(6) Records and communications may be disclosed when such are made during treatment which the recipient is ordered to undergo to render him fit to stand trial on a criminal charge, provided that the disclosure is made only with respect to the issue of fitness to stand trial.

(7) Records and communications of the recipient may be disclosed in any civil or administrative proceeding involving the validity of or benefits under a life, accident, health or disability insurance policy or certificate, or Health Care Service Plan Contract, insuring the recipient, but only if and to the extent that the recipient's mental condition, or treatment or services in connection therewith, is a material element of any claim or defense of any party, provided that information sought or disclosed shall not be redisclosed except in connection with the proceeding in which disclosure is made.

(8) Records or communications may be disclosed when such are relevant to a matter in issue in any action brought under this Act and proceedings preliminary thereto, provided that any information so disclosed shall not be utilized for any other purpose nor be redisclosed except in connection with such action or preliminary proceedings.

(9) Records and communications of the recipient may be disclosed in investigations of and trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide.

(10) Records and communications of a deceased recipient may be disclosed to a coroner conducting a preliminary investigation into the recipient's death under Section 3-3013 of the Counties Code. However, records and communications of the deceased recipient disclosed in an investigation shall be limited solely to the deceased recipient's records and communications relating to the factual circumstances of the incident being investigated in a mental health facility.

(11) Records and communications of a recipient shall be disclosed in a proceeding where a petition or motion is filed under the Juvenile Court Act of 1987 and the recipient is named as a parent,

guardian, or legal custodian of a minor who is the subject of a petition for wardship as described in Section 2-3 of that Act or a minor who is the subject of a petition for wardship as described in Section 2-4 of that Act alleging the minor is abused, neglected, or dependent or the recipient is named as a parent of a child who is the subject of a petition, supplemental petition, or motion to appoint a guardian with the power to consent to adoption under Section 2-29 of the Juvenile Court Act of 1987.

(12) Records and communications of a recipient may be disclosed when disclosure is necessary to collect sums or receive third party payment representing charges for mental health or developmental disabilities services provided by a therapist or agency to a recipient; however, disclosure shall be limited to information needed to pursue collection, and the information so disclosed may not be used for any other purposes nor may it be redisclosed except in connection with collection activities. Whenever records are disclosed pursuant to this subdivision (12), the recipient of the records shall be advised in writing that any person who discloses mental health records and communications in violation of this Act may be subject to civil liability pursuant to Section 15 of this Act or to criminal penalties pursuant to Section 16 of this Act or both.

(b) Before a disclosure is made under subsection (a), any party to the proceeding or any other interested person may request an in camera review of the record or communications to be disclosed. The court or agency conducting the proceeding may hold an in camera review on its own motion. When, contrary to the express wish of the recipient, the therapist asserts a privilege on behalf and in the interest of a recipient, the court may require that the therapist, in an in camera hearing, establish that disclosure is not in the best interest of the recipient. The court or agency may prevent disclosure or limit disclosure to the extent that other admissible evidence is sufficient to establish the facts in issue. The court or agency may enter such orders as may be necessary in order to protect the confidentiality, privacy, and safety of the recipient or of other persons. Any order to disclose or to not disclose shall be considered a final order for purposes of appeal and shall be subject to interlocutory appeal.

(c) A recipient's records and communications may be disclosed to a duly authorized committee, commission or subcommittee of the General Assembly which possesses subpoena and hearing powers, upon a written request approved by a majority vote of the committee, commission or subcommittee members. The committee, commission or subcommittee may request records only for the purposes of investigating or studying possible violations of recipient rights. The request shall state the purpose for which disclosure is sought.

The facility shall notify the recipient, or his guardian, and therapist in writing of any disclosure request under this subsection within 5 business days after such request. Such notification shall also inform the recipient, or guardian, and therapist of their right to object to the disclosure within 10 business days after receipt of the notification and shall include the name, address and telephone number of the committee, commission or subcommittee member or staff person with whom an objection shall be filed. If no objection has been filed within 15 business days after the request for disclosure, the facility shall disclose the records and communications to the committee, commission or subcommittee. If an objection has been filed within 15 business days after the request for disclosure, the facility shall disclose the records and communications only after the committee, commission or subcommittee has permitted the recipient, guardian or therapist to present his objection in person before it and has renewed its request for disclosure by a majority vote of its members.

Disclosure under this subsection shall not occur until all personally identifiable data of the recipient and provider are removed from the records and communications. Disclosure under this subsection shall not occur in any public proceeding.

(d) No party to any proceeding described under paragraphs (1), (2), (3), (4), (7), or (8) of subsection (a) of this Section, nor his or her attorney, shall serve a subpoena seeking to obtain access to records or communications under this Act unless the subpoena is accompanied by a written order issued by a judge, authorizing the disclosure of the records or the issuance of the subpoena. No such written order shall be issued without written notice of the motion to the recipient and the treatment provider. Prior to issuance of the order, each party or other person entitled to notice shall be permitted an opportunity to be heard pursuant to subsection (b) of this Section. No person shall comply with a subpoena for records or communications under this Act, unless the subpoena is accompanied by a written order authorizing the issuance of the subpoena or the disclosure of the records. Each subpoena duces tecum issued by a court or administrative agency or served on any person pursuant to this subsection (d) shall include the following language: "No person shall comply with a subpoena for mental health records or communications pursuant to Section 10 of the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/10, unless the subpoena is accompanied by a written order that authorizes the issuance of the subpoena and the

disclosure of records or communications."

(e) When a person has been transported by a peace officer to a mental health facility, then upon the request of a peace officer, if the person is allowed to leave the mental health facility within 48 hours of arrival, excluding Saturdays, Sundays, and holidays, the facility director shall notify the local law enforcement authority prior to the release of the person. The local law enforcement authority may re-disclose the information as necessary to alert the appropriate enforcement or prosecuting authority.

(f) A recipient's records and communications shall be disclosed to the Inspector General of the Department of Human Services within 10 business days of a request by the Inspector General (i) in the course of an investigation authorized by the Department of Human Services Act and applicable rule or (ii) during the course of an assessment authorized by the Abuse of Adults with Disabilities Intervention Act and applicable rule. The request shall be in writing and signed by the Inspector General or his or her designee. The request shall state the purpose for which disclosure is sought. Any person who knowingly and willfully refuses to comply with such a request is guilty of a Class A misdemeanor. A recipient's records and communications shall also be disclosed pursuant to subsection (g-5) of Section 1-17 of the Department of Human Services Act in testimony at health care worker registry hearings or preliminary proceedings when such are relevant to the matter in issue, provided that any information so disclosed shall not be utilized for any other purpose nor be redisclosed except in connection with such action or preliminary proceedings.

(Source: P.A. 96-406, eff. 8-13-09.)

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

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

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 5351.

HOUSE BILL 5357. Having been reproduced, was taken up and read by title a second time. Representative Coulson offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 5357 as follows: on page 8, line 25, by replacing "Board" with "Department"; and on page 9, line 1, by replacing "Department" with "Board".

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 5378. Having been reproduced, was taken up and read by title a second time. The following amendment was offered in the Committee on Public Utilities, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5378 by replacing line 25 on page 2 through line 5 on page 3 with the following:

"Not more than 90 days after the effective date of this amendatory Act of the 96th General Assembly, the Commission shall direct the Office of Retail Market Development to review the existing consumer education materials for residential and small commercial customers and consider whether updates to those materials are necessary. The Office of Retail Market Development shall seek input from all interested persons to further its review of the consumer education materials and possible proposed changes. Within 4 months after the start of the review, the Office of Retail Market Development shall submit recommendations to the Commission for approval. If the Commission approves to prepare, print, and distribute additional consumer education materials, then a request shall be made subject to appropriations as described in subsection (j) of this Section."; and

on page 6, line 24, by replacing "General Revenue Fund" with "Public Utility Fund ~~General Revenue~~

Fund".

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 5398. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Veterans' Affairs, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 5398 as follows:
on page 1, line 19, by deleting "or family member of a veteran"; and
on page 1, line 21, by deleting "or military family organization"; and
on page 2, by inserting immediately below line 8 the following:

"(8) One person appointed by each military family organization that is chartered by the federal government."

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 5410.

HOUSE BILL 5411. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 5411 on page 2, by replacing lines 7 and 8 with the following:

"private entity that checks criminal history records for violent felony convictions."; and

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

"a private entity that checks criminal history records for violent felony convictions."; and

on page 3, by replacing lines 15 and 16 with the following:

"the use of a private entity that checks criminal history records for violent felony convictions. Each".

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 5428. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 5428 by replacing everything after the enacting clause with the following:

"Section 5. The Adoption Act is amended by changing Sections 18.04, 18.05, 18.06, 18.07, 18.1, 18.1a, 18.1b, 18.2, 18.3, 18.3a, 18.5, and 18.6 as follows:

(750 ILCS 50/18.04)

Sec. 18.04. Original Birth Certificate Access ~~The Illinois Adoption Registry and Medical Information Exchange~~; legislative intent. The General Assembly recognizes that it is the basic right of all persons to access their birth records, and, to this end, supports public policy that allows an adult adoptee to access his or her original birth certificate. The General Assembly further recognizes that there are circumstances under which a birth parent may have compelling reasons for wishing to remain anonymous to a child he or she surrendered for adoption. In an effort to balance these interests, the General Assembly supports public policy that releases a non-certified copy of the original birth certificate to an adult adopted person upon

~~request unless a specific request for anonymity has been filed with the Registry by a birth parent named on the original birth certificate the importance of creating a procedure by which mutually consenting adult members of birth and adoptive families, and adult adopted or surrendered persons may voluntarily exchange vital medical information throughout the life of the adopted or surrendered person. The General Assembly supports public policy that requires explicit mutual consent prior to the release of confidential information. The General Assembly further recognizes that it is in the best interest of adopted and surrendered persons that birth family medical histories and the preferences regarding contact of all parties to an adoption be compiled, preserved and provided to mutually consenting members of birth and adoptive families.~~

(Source: P.A. 94-173, eff. 1-1-06.)

(750 ILCS 50/18.05)

Sec. 18.05. The Illinois Adoption Registry and Medical Information Exchange.

(a) General function. Subject to appropriation, the Department of Public Health shall administer the Illinois Adoption Registry and Medical Information Exchange in the manner outlined in subsections (b) and (c) for the purpose of facilitating the voluntary exchange of identifying and medical information between mutually consenting members of birth and adoptive families. The Department shall establish rules for the confidential operation of the Illinois Adoption Registry. The Department shall appoint an OBC-Access Public Information Campaign Oversight Committee comprised of representatives of the Department of Public Health and the Department of Children and Family Services, as well as one representative from each of the following organizations: Adoptees, Birth Parents and Adoptive Parents Together; Adoption Advocates of America; Adoptive Families Today; Agudath Israel of America; American Adoption Congress; The Baby Fold; Catholic Conference of Illinois; Chicago Area Families for Adoption; Chicago Bar Association; Child Care Association of Illinois; Children's Home and Aid Society of Illinois; Child Welfare Advisory Council; The Cradle; Healing Hearts; For Birth Parents by Birthparents; Illinois Foster Parents Association; Illinois State Bar Association; Illinois State Medical Society; LDS Social Services; Lutheran Social Services of Illinois; Maryville Academy; Midwest Adoption Center; St. Mary's Services; and Stars of David. On and after the effective date of this amendatory Act of the 96th General Assembly, the OBC-Access Public Information Campaign Oversight Committee shall develop and ensure the timely implementation of a year-long, nationwide campaign to be conducted from November 1, 2010, through November 30, 2011, for the express purpose of informing the public in earnest about the conditions under which an adult adopted or surrendered person may receive a non-certified copy of his or her original birth certificate, and the procedures pursuant to which a birth parent may file a Birth Parent Preference Form to express his or her wishes with respect to contact with a surrendered son or daughter and the release of identifying information that appears on the original birth certificate. This year-long informational campaign shall include, but not be limited to:

(1) Public service announcements to be distributed to local and national radio and television stations.

(2) Notices to be distributed throughout Illinois to physicians' offices, religious institutions, social welfare organizations, retirement homes, and other entities capable of reaching individuals who may be impacted by this change in the law.

(3) An informational website exclusively devoted to providing the general public with information about the new law as well as other forms of free electronic media.

(4) Press releases to be distributed to local and national radio and television stations, as well as to relevant websites.

(5) Announcements about the new law to be posted on the websites of all adoption agencies licensed in the State.

(6) Notices accompanying every vehicle registration renewal application issued by the Secretary of State's office between November 1, 2010, and November 1, 2011.

(7) Notices enclosed with driver's license renewal applications issued by the Secretary of State's office beginning 30 days after the effective date of this amendatory Act of the 96th General Assembly and through November 30, 2014, conduct a public information campaign through public service announcements and other forms of media coverage and, until December 31, 2010, through notices enclosed with driver's license renewal applications, shall inform the public of the Illinois Adoption Registry and Medical Information Exchange.

The Illinois Adoption Registry shall also maintain an informational Internet site where interested parties may access information about the Illinois Adoption Registry and Medical Information Exchange and download all necessary application forms. The Illinois Adoption Registry shall maintain statistical records regarding Registry participation and publish and circulate to the public informational material about the

function and operation of the Registry.

(b) Establishment of the Adoption/Surrender Records File. When a person has voluntarily registered with the Illinois Adoption Registry and completed an Illinois Adoption Registry Application or a Registration Identification Form, the Registry shall establish a new Adoption/Surrender Records File. Such file may concern an adoption that was finalized by a court action in the State of Illinois, an adoption of a person born in Illinois finalized by a court action in a state other than Illinois or in a foreign country, a surrender taken in the State of Illinois, or an adoption filed according to Section 16.1 of the Vital Records Act under a Record of Foreign Birth that was not finalized by a court action in the State of Illinois. Such file may be established for adoptions or surrenders finalized prior to as well as after the effective date of this amendatory Act. A file may be created in any manner to preserve documents including but not limited to microfilm, optical imaging, or electronic documents.

(c) Contents of the Adoption/Surrender Records File. An established Adoption/Surrender Records File shall be limited to the following items, to the extent that they are available:

(1) The General Information Section and Medical Information Exchange Questionnaire of any Illinois Adoption Registry Application or a Registration Identification Form which has been voluntarily completed by any registered party.

(2) Any photographs voluntarily provided by any registrant for any other registered party at the time of registration or any time thereafter. All such photographs shall be submitted in an unsealed envelope no larger than 8 1/2" x 11", and shall not include identifying information pertaining to any person other than the registrant who submitted them. Any such identifying information shall be redacted by the Department or the information shall be returned for removal of identifying information.

(3) Any Information Exchange Authorization, ~~or~~ Denial of Information Exchange, or Birth Parent Preference Form which has been filed by a registrant.

(4) For all adoptions finalized after January 1, 2000, copies of the original certificate of live birth and the certificate of adoption.

(5) Any updated address submitted by any registered party about himself or herself.

(6) Any proof of death that ~~which~~ has been submitted by a registrant.

(7) Any birth certificate that has been submitted by a registrant.

(8) Any marriage certificate that has been submitted by a registrant.

(9) Any proof of guardianship that has been submitted by a registrant.

(10) Any Request for a Non-Certified Copy of an Original Birth Certificate that has been filed with the Registry by an adult adopted or surrendered person or by a surviving adult child or surviving spouse of a deceased adopted or surrendered person who has registered with the Registry.

(d) An established Adoption/Surrender Records File for an adoption filed in Illinois under a Record of Foreign Birth that was not finalized in a court action in the State of Illinois shall be limited to the following items submitted to the State Registrar of Vital Records under Section 16.1 of the Vital Records Act, to the extent that they are available:

(1) Evidence as to the child's birth date and birthplace (including the country of birth and, if available, the city and province of birth) provided by the original birth certificate, or by a certified copy, extract, or translation thereof or by other document essentially equivalent thereto (the records of the U.S. Immigration and Naturalization Service or of the U.S. Department of State to be considered essentially equivalent thereto).

(2) A certified copy, extract, or translation of the adoption decree or other document essentially equivalent thereto (the records of the U.S. Immigration and Naturalization Service or of the U.S. Department of State to be considered essentially equivalent thereto).

(3) A copy of the IR-3 visa.

(4) The name and address of the adoption agency that handled the adoption.

(Source: P.A. 94-173, eff. 1-1-06; 94-430, eff. 8-2-05; 95-331, eff. 8-21-07.)

(750 ILCS 50/18.06)

Sec. 18.06. Definitions. When used in Sections 18.05 through Section 18.6, for the purposes of the Registry:

"Adopted person" means a person who was adopted pursuant to the laws in effect at the time of the adoption.

"Adoptive parent" means a person who has become a parent through the legal process of adoption.

"Adult child" means the biological child 21 years of age or over of a deceased adopted or surrendered person.

"Adult Adopted or Surrendered Person" means an adopted or surrendered person 21 years of age or over.

"Agency" means a public child welfare agency or a licensed child welfare agency.

"Birth aunt" means the adult full or half sister of a deceased birth parent.

"Birth father" means the biological father of an adopted or surrendered person who is named on the original certificate of live birth or on a consent or surrender document, or a biological father whose paternity has been established by a judgment or order of the court, pursuant to the Illinois Parentage Act of 1984.

"Birth mother" means the biological mother of an adopted or surrendered person.

"Birth parent" means a birth mother or birth father of an adopted or surrendered person.

"Birth Parent Preference Form" means the form prepared by the Department of Public Health pursuant to Section 18.2 completed by a birth parent registrant and filed with the Registry that indicates the birth parent's preferences regarding contact and the release of his or her identifying information on the non-certified copy of the original birth certificate released to an adult adopted or surrendered person or to the surviving adult child or surviving spouse of a deceased adopted or surrendered person who has filed a Request for a Non-Certified Copy of an Original Birth Certificate.

"Birth relative" means a birth mother, birth father, birth sibling, birth aunt, or birth uncle.

"Birth sibling" means the adult full or half sibling of an adopted or surrendered person.

"Birth uncle" means the adult full or half brother of a deceased birth parent.

"Confidential intermediary" means an individual certified by the Department of Children and Family Services pursuant to Section 18.3a(e).

"Denial of Information Exchange" means an affidavit completed by a registrant with the Illinois Adoption Registry and Medical Information Exchange denying the release of identifying information which has been filed with the Registry.

"Information Exchange Authorization" means an affidavit completed by a registrant with the Illinois Adoption Registry and Medical Information Exchange authorizing the release of identifying information which has been filed with the Registry.

"Medical Information Exchange Questionnaire" means the medical history questionnaire completed by a registrant of the Illinois Adoption Registry and Medical Information Exchange.

"Non-certified Copy of the Original Birth Certificate" means a non-certified copy of the original certificate of live birth of an adult adopted or surrendered person who was born in Illinois.

"Proof of death" means a death certificate.

"Registrant" or "Registered Party" means a birth parent, birth sibling, birth aunt, birth uncle, adopted or surrendered person 21 years of age or over, adoptive parent or legal guardian of an adopted or surrendered person under the age of 21, or adoptive parent, surviving spouse, or adult child of a deceased adopted or surrendered person who has filed an Illinois Adoption Registry Application or Registration Identification Form with the Registry.

"Registry" means the Illinois Adoption Registry and Medical Information Exchange.

"Request for a Non-Certified Copy of an Original Birth Certificate" means an affidavit completed by an adult adopted or surrendered person or by the surviving adult child or surviving spouse of a deceased adopted or surrendered person and filed with the Registry requesting a non-certified copy of an adult adopted or surrendered person's original certificate of live birth in Illinois.

"Surrendered person" means a person whose parents' rights have been surrendered or terminated but who has not been adopted.

"Surviving spouse" means the wife or husband of a deceased adopted or surrendered person who has one or more biological children under the age of 21.

"18.3 Statement" means a statement regarding the disclosure of identifying information signed by a birth parent under Section 18.3 of this Act as it existed immediately prior to the effective date of this amendatory Act of the 96th General Assembly.

(Source: P.A. 94-173, eff. 1-1-06.)

(750 ILCS 50/18.07)

Sec. 18.07. Adoption Registry Advisory Council. There is established an Adoption Registry Advisory Council. The Council shall meet twice yearly, and at least once yearly jointly with the Confidential Intermediary Advisory Council. The Council shall be chaired by the Director of the Department of Public Health or his designee. The Council shall include the Director of the Department of Children and Family Services or his designee. The Council shall also include one representative from each of the following organizations: Adoption Advocates of Illinois, Adoptive Families Today, American Adoption Congress, Catholic Conference of Illinois, Chicago Area Families for Adoption, Chicago Bar Association, Child Care

Association of Illinois, Children Remembered, Inc., Children's Home and Aid Society of Illinois, Child Welfare Advisory Council, The Cradle, Healing Hearts, Illinois Foster Parents Association, Illinois State Bar Association, Illinois State Medical Society, Jewish Children's Bureau, Kids Help Foundation, LDS Social Services, Lutheran Social Services of Illinois, Maryville Academy, Midwest Adoption Center, St. Mary's Services, Stars of David, and Truthseekers in Adoption.

If any one of the above named organizations notifies the Director of the Department of Public Health in writing that the organization does not wish to participate on the Advisory Council or that the organization is no longer functioning, the Director shall appoint another organization that represents the same constituency as the named organization to replace the named organization on the Council.

The Council's responsibilities shall include the following:

- 1) Advising the Department on the development of rules, procedures, and forms utilized by the Illinois Adoption Registry and Medical Information Exchange;
- 2) Making recommendations regarding the procedures, tools and technology that will ensure efficient and effective operation of the Registry;
- 3) ~~Submitting a report to the Governor and the General Assembly no later than January 1, 2001, on the status of the Registry, an evaluation of the effectiveness of the Registry, and pertinent statistics regarding the Registry;~~

3) 4) Assisting the Department with the development, publication, and circulation of an informational pamphlet that describes the purpose, function, and mechanics of the Illinois Adoption Registry and Medical Information Exchange, including information about who is eligible to register and how to register; information about the questions and concerns that registrants may develop when they register or when they receive information from the Registry; and a list of services, programs, groups, and informational websites that are available to assist registrants with their questions and concerns; -

4) Collecting statistical data and empirical information concerning the procedures in the Registry including, but not limited to, data concerning the filing of Denials of Information Exchange, Information Exchange Authorizations, Requests for a Non-Certified Copy of an Original Birth Certificate, and Birth Parent Preference Forms.

(Source: P.A. 91-417, eff. 1-1-00.)

(750 ILCS 50/18.1) (from Ch. 40, par. 1522.1)

Sec. 18.1. Disclosure of identifying information.

(a) The Department of Public Health shall establish and maintain a Registry for the purpose of allowing providing identifying information to mutually consenting members of birth and adoptive families to exchange identifying and medical information. Identifying information for the purpose of this Act shall mean any one or more of the following:

- (1) The name and last known address of the consenting person or persons.
- (2) A copy of the Illinois Adoption Registry Application of the consenting person or persons.

(3) A non-certified copy of the original birth certificate ~~of live birth~~ of an adult ~~the~~ adopted or surrendered person.

(b) Written authorization from all parties identified must be received prior to disclosure of any identifying information, with the exception of non-certified copies of original birth certificates released to adult adopted or surrendered persons or to surviving adult children and surviving spouses of deceased adopted or surrendered persons pursuant to the procedures outlined in Section 18.1b(e).

(c) ~~(b)~~ At any time after a child is surrendered for adoption, or at any time during the adoption proceedings or at any time thereafter, either birth parent or both of them may file with the Registry a Birth Parent Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(d) ~~(b-5)~~ A birth sibling 21 years of age or over who was not surrendered for adoption and who has submitted a copy of his or her birth certificate as well as proof of death for a deceased birth parent and such birth parent did not file a Denial of Information Exchange with the Registry prior to his or her death may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(e) ~~(b-7)~~ A birth aunt or birth uncle who has submitted birth certificates for himself or herself and for a deceased birth parent naming at least one common biological parent as well as proof of death for the deceased birth parent and such birth parent did not file a Denial of Information Exchange with the Registry prior to his or her death may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(f) ~~(e)~~ Any adopted person 21 years of age or over, any surrendered person 21 years of age or over, or any adoptive parent or legal guardian of an adopted or surrendered person under the age of 21 may file with the Registry a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(g) ~~(e-3)~~ Any adult child 21 years of age or over of a deceased adopted or surrendered person who has submitted a copy of his or her birth certificate naming an adopted or surrendered person as his or her biological parent as well as proof of death for the deceased adopted or surrendered person and such adopted or surrendered person did not file a Denial of Information Exchange with the Registry prior to his or her death may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(h) ~~(e-5)~~ Any surviving spouse of a deceased adopted or surrendered person 21 years of age or over who has submitted proof of death for the deceased adopted or surrendered person and such adopted or surrendered person did not file a Denial of Information Exchange with the Registry prior to his or her death as well as a birth certificate naming themselves and the adopted or surrendered person as the parents of a minor child under the age of 21 may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(i) ~~(e-7)~~ Any adoptive parent or legal guardian of a deceased adopted or surrendered person 21 years of age or over who has submitted proof of death as well as proof of parentage or guardianship for the deceased adopted or surrendered person and such adopted or surrendered person did not file a Denial of Information Exchange with the Registry prior to his or her death may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.

(j) ~~(d)~~ The Department of Public Health shall supply to the adopted or surrendered person or his or her adoptive parents, legal guardians, adult children or surviving spouse, and to the birth parents identifying information only if both the adopted or surrendered person, or one of his or her adoptive parents, legal guardians, adult children or his or her surviving spouse, and the birth parents have filed with the Registry an Information Exchange Authorization and the information at the Registry indicates that the consenting adopted or surrendered person, the child of the consenting adoptive parents or legal guardians, the parent of the consenting adult child of the adopted or surrendered person, or the deceased wife or husband of the consenting surviving spouse is the child of the consenting birth parents except identifying information that appears on a non-certified copy of an original birth certificate may be provided to an adult adopted or surrendered person or to the surviving adult child or surviving spouse of a deceased adopted or surrendered person pursuant to the procedures outlined in Section 18.1b(e) of this Act.

The Department of Public Health shall supply to adopted or surrendered persons who are birth siblings identifying information only if both siblings have filed with the Registry an Information Exchange Authorization and the information at the Registry indicates that the consenting siblings have one or both birth parents in common. Identifying information shall be supplied to consenting birth siblings who were adopted or surrendered if any such sibling is 21 years of age or over. Identifying information shall be supplied to consenting birth siblings who were not adopted or surrendered if any such sibling is 21 years of age or over and has proof of death of the common birth parent and such birth parent did not file a Denial of Information Exchange with the Registry prior to his or her death.

(k) ~~(d-3)~~ The Department of Public Health shall supply to the adopted or surrendered person or his or her adoptive parents, legal guardians, adult children or surviving spouse, and to a birth aunt identifying information only if both the adopted or surrendered person or one of his or her adoptive parents, legal guardians, adult children or his or her surviving spouse, and the birth aunt have filed with the Registry an Information Exchange Authorization and the information at the Registry indicates that the consenting adopted or surrendered person, or the child of the consenting adoptive parents or legal guardians, or the parent of the consenting adult child, or the deceased wife or husband of the consenting surviving spouse of the adopted or surrendered person is or was the child of the brother or sister of the consenting birth aunt.

(l) ~~(d-5)~~ The Department of Public Health shall supply to the adopted or surrendered person or his or her adoptive parents, legal guardians, adult children or surviving spouse, and to a birth uncle identifying information only if both the adopted or surrendered person or one of his or her adoptive parents, legal guardians, adult children or his or her surviving spouse, and the birth uncle have filed with the Registry an Information Exchange Authorization and the information at the Registry indicates that the consenting adopted or surrendered person, or the child of the consenting adoptive parents or legal guardians, or the parent of the consenting adult child, or the deceased wife or husband of the consenting surviving spouse of the adopted or surrendered person is or was the child of the brother or sister of the consenting birth uncle.

(m) ~~(e)~~ A registrant may notify the Registry of his or her desire not to have identifying information ~~his or~~

~~her identity~~ revealed or may revoke any previously filed Information Exchange Authorization by completing and filing with the Registry a Registry Identification Form along with a Denial of Information Exchange. ~~The Illinois Adoption Registry Application does not need to be completed in order to file a Denial of Information Exchange.~~ Any registrant, except a birth parent, may revoke his or her Denial of Information Exchange by filing an Information Exchange Authorization. A birth parent may revoke a Denial of Information Exchange by filing a Birth Parent Preference Form. Any birth parent who has previously filed a Birth Parent Preference Form where Option E was selected may revoke such preference by filing a subsequent Birth Parent Preference Form and selecting Option A, B, C, or D. The Department of Public Health shall act in accordance with the most recently filed affidavit Authorization.

~~(n) (f)~~ Identifying information ascertained from the Registry shall be confidential and may be disclosed only (1) upon a Court Order, which order shall name the person or persons entitled to the information, or (2) to a registrant who is the subject of an Information Exchange Authorization that was completed by another registrant and filed with the Illinois Adoption Registry and Medical Information Exchange, or (3) as authorized under subsection (h) of Section 18.3 of this Act, or (4) pursuant to the procedures outlined in Section 18.1b(e) of this Act. ~~A copy of the certificate of live birth shall only be released to an adopted or surrendered person who was born in Illinois and who is the subject of an Information Exchange Authorization filed by one of his or her birth relatives.~~ Any person who willfully provides unauthorized disclosure of any information filed with the Registry or who knowingly or intentionally files false information with the Registry shall be guilty of a Class A misdemeanor and shall be liable for damages.

~~(o) (g)~~ If information is disclosed pursuant to this Act, the Department shall redact it to remove any identifying information about any party who has not consented to the disclosure of such identifying information, or, in the case of identifying information on the original birth certificate, pursuant to Section 18.1b(e) of this Act.

(Source: P.A. 94-173, eff. 1-1-06.)

(750 ILCS 50/18.1a)

Sec. 18.1a. Registry matches.

(a) The Registry shall release identifying information, as specified on the applicant's Information Exchange Authorization, to the following mutually consenting registered parties and provide them with any photographs or correspondence which have been placed in the Adoption/Surrender Records File and are specifically intended for the registered parties:

(i) an adult adopted or surrendered person and one of his or her birth relatives who have both filed an applicable Information Exchange Authorization specifying the other consenting party with the Registry, if information available to the Registry confirms that the consenting adopted or surrendered person is biologically related to the consenting birth relative;

(ii) the adoptive parent or legal guardian of an adopted or surrendered person under the age of 21 and one of the adopted or surrendered person's birth relatives who have both filed an Information Exchange Authorization specifying the other consenting party with the Registry, if information available to the Registry confirms that the child of the consenting adoptive parent or legal guardian is biologically related to the consenting birth relative; and

(iii) the adoptive parent, adult child or surviving spouse of a deceased adopted or surrendered person, and one of the adopted or surrendered person's birth relatives who have both filed an applicable Information Exchange Authorization specifying the other consenting party with the Registry, if information available to the Registry confirms that child of the consenting adoptive parent, the parent of the consenting adult child or the deceased wife or husband of the consenting surviving spouse of the adopted or surrendered person was biologically related to the consenting birth relative.

(b) If a registrant is the subject of a Denial of Information Exchange filed by another registered party, the Registry shall not release identifying information to either registrant with the exception of non-certified copies of the original birth certificate released under Section 18.1b(e), and as to a birth parent who has prohibited release of identifying information on the original birth certificate to the adult adopted or surrendered person, upon the death of said birth parent.

(c) If a registrant has completed a Medical Information Exchange Questionnaire and has consented to its disclosure, that Questionnaire shall be released to any registered party who has indicated their desire to receive such information on his or her Illinois Adoption Registry Application, if information available to the Registry confirms that the consenting parties are biologically related, that the consenting birth relative and the child of the consenting adoptive parents or legal guardians are birth relatives, or that the consenting birth relative and the deceased wife or husband of the consenting surviving spouse are birth relatives.

(Source: P.A. 94-173, eff. 1-1-06.)

(750 ILCS 50/18.1b)

Sec. 18.1b. The Illinois Adoption Registry Application. The Illinois Adoption Registry Application shall substantially include the following:

(a) General Information. The Illinois Adoption Registry Application shall include the space to provide Information about the registrant including his or her surname, given name or names, social security number (optional), mailing address, home telephone number, gender, date and place of birth, and the date of registration. If applicable and known to the registrant, he or she may include the maiden surname of the birth mother, any subsequent surnames of the birth mother, the surname of the birth father, the given name or names of the birth parents, the dates and places of birth of the birth parents, the surname and given name or names of the adopted person prior to adoption, the gender and date and place of birth of the adopted or surrendered person, the name of the adopted person following his or her adoption and the state and county where the judgment of adoption was finalized.

(b) Medical Information Exchange Questionnaire. In recognition of the importance of medical information and of recent discoveries regarding the genetic origin of many medical conditions and diseases all registrants shall be asked to voluntarily complete a Medical Information Exchange Questionnaire.

(1) For birth relatives, the Medical Information Exchange Questionnaire shall include a comprehensive check-list of medical conditions and diseases including those of genetic origin. Birth relatives shall be asked to indicate all genetically-inherited diseases and conditions on this list which are known to exist in the adopted or surrendered person's birth family at the time of registration. In addition, all birth relatives shall be apprised of the Registry's provisions for voluntarily submitting information about their and their family's medical histories on a confidential, ongoing basis.

(2) Adopted and surrendered persons and their adoptive parents, legal guardians, adult children, and surviving spouses shall be asked to indicate all genetically-inherited diseases and medical conditions with which the adopted or surrendered person or, if applicable, his or her children have been diagnosed since birth.

(3) The Medical Information Exchange Questionnaire shall include a space where the registrant may authorize the release of the Medical Information Exchange Questionnaire to specified registered parties and a disclaimer informing registrants that the Department of Public Health cannot guarantee the accuracy of medical information exchanged through the Registry.

(c) Written statement. All registrants shall be given the opportunity to voluntarily file a written statement with the Registry. This statement shall be submitted in the space provided. No written statement submitted to the Registry shall include identifying information pertaining to any person other than the registrant who submitted it. Any such identifying information shall be redacted by the Department or returned for removal of identifying information.

(d) Exchange of Contact information. All registrants may indicate their wishes regarding contact and the exchange of identifying and/or medical information with any other registrant by completing an Information Exchange Authorization or a Denial of Information Exchange.

(1) Information Exchange Authorization. Adopted or surrendered persons 21 years of age or over who are interested in exchanging identifying and/or medical information or would welcome contact with one or more of their birth relatives; birth parents who are interested in exchanging identifying and/or medical information or would welcome contact with an adopted or surrendered person 21 years of age or over, or one or more of his or her adoptive parents, legal guardians, adult children, or a surviving spouse; birth siblings 21 years of age or over who were adopted or surrendered and who are interested in exchanging identifying and/or medical information or would welcome contact with an adopted or surrendered person, or one or more of his or her adoptive parents, legal guardians, adult children, or a surviving spouse; birth siblings 21 years of age or over who were not surrendered and who have submitted proof of death for any common birth parent who did not file a Denial of Information Exchange prior to his or her death, and who are interested in exchanging identifying and/or medical information or would welcome contact with an adopted or surrendered person, or one or more of his or her adoptive parents, legal guardians, adult children, or a surviving spouse; birth aunts and birth uncles 21 years of age or over who have submitted birth certificates for themselves and a deceased birth parent naming at least one common biological parent as well as proof of death for a deceased birth parent ~~who did not file a Denial of Information Exchange prior to his or her death~~ and who are interested in exchanging identifying and/or medical information or would welcome contact with an adopted or surrendered person 21 years of age or over, or one or more of his or her adoptive parents, legal guardians, adult children or a surviving spouse; adoptive parents or legal guardians of adopted or surrendered persons under the age of 21 who are interested in exchanging identifying and/or medical

information or would welcome contact with one or more of the adopted or surrendered person's birth relatives; adoptive parents and legal guardians of deceased adopted or surrendered persons 21 years of age or over who have submitted proof of death for a deceased adopted or surrendered person who did not file a Denial of Information Exchange prior to his or her death and who are interested in exchanging identifying and/or medical information or would welcome contact with one or more of the adopted or surrendered person's birth relatives; adult children of deceased adopted or surrendered persons who have submitted a birth certificate naming the adopted or surrendered person as their biological parent and proof of death for an adopted or surrendered person who did not file a Denial of Information Exchange prior to his or her death; and surviving spouses of deceased adopted or surrendered persons who have submitted a marriage certificate naming an adopted or surrendered person as their deceased wife or husband and proof of death for an adopted or surrendered person who did not file a Denial of Information Exchange prior to his or her death and who are interested in exchanging identifying and/or medical information or would welcome contact with one or more of the adopted or surrendered person's birth relatives may specify with whom they wish to exchange identifying information by filing an Information Exchange Authorization.

(2) Denial of Information Exchange. Adopted or surrendered persons 21 years of age or over who do not wish to exchange identifying information or establish contact with one or more of their birth relatives may specify with whom they do not wish to exchange identifying information or do not wish to establish contact by filing a Denial of Information Exchange. Birth relatives who do not wish to establish contact with an adopted or surrendered person or one or more of his or her adoptive parents, legal guardians, or adult children may specify with whom they do not wish to exchange identifying information or do not wish to establish contact by filing a Denial of Information Exchange. Birth parents who wish to prohibit the release of their identifying information on the original birth certificate released to an adult adopted or surrendered person who was born after January 1, 1946, or to the surviving adult child or surviving spouse of a deceased adopted or surrendered person who was born after January 1, 1946, may do so by filing a Denial with the Registry on or before December 31, 2010. As of January 1, 2011, birth parents who wish to prohibit the release of identifying information on the non-certified copy of the original birth certificate released to an adult adopted surrendered person or to the surviving adult child or surviving spouse of a deceased adopted or surrendered person may do so by selecting Option E on a Birth Parent Preference Form and filing the Form with the Registry. Adoptive parents or legal guardians of adopted or surrendered persons under the age of 21 who do not wish to establish contact with one or more of the adopted or surrendered person's birth relatives may specify with whom they do not wish to exchange identifying information by filing a Denial of Information Exchange. Adoptive parents, adult children, and surviving spouses of deceased adoptees who do not wish to exchange identifying information or establish contact with one or more of the adopted or surrendered person's birth relatives may specify with whom they do not wish to exchange identifying information or do not wish to establish contact by filing a Denial of Information Exchange. The Illinois Adoption Registry Application does not need to be completed in order to file a Denial of Information Exchange.

(3) Birth Parent Preference Form. Beginning January 1, 2011, birth parents who are eligible to register with the Illinois Adoption Registry and Medical Information Exchange and who wish to communicate their wishes regarding contact and/or the release of their identifying information on the non-certified copy of the original birth certificate released to an adult adopted or surrendered person or the surviving adult child or surviving spouse of a deceased adopted or surrendered person who has requested a copy of the adopted or surrendered person's original birth certificate by filing a Request for a Non-Certified Copy of an Original Birth Certificate pursuant to subsection (e) of this Section, may file a Birth Parent Preference Form with the Registry. All Birth Parent Preference Forms on file with the Registry at the time of receipt of a Request for a Non-Certified Copy of an Original Birth Certificate from an adult adopted or surrendered person or the surviving adult child or surviving spouse of a deceased adopted or surrendered person shall be forwarded to the relevant adopted or surrendered person or surviving adult child or surviving spouse of a deceased adopted or surrendered person along with a non-certified copy of the adopted or surrendered person's original birth certificate as outlined in subsection (e) of this Section.

(e) Procedures for requesting a non-certified copy of an original birth certificate by an adult adopted or surrendered person or by a surviving adult child or surviving spouse of a deceased adopted or surrendered person:

(1) On or after the effective date of this amendatory Act of the 96th General Assembly, any adult adopted or surrendered person who was born in Illinois prior to January 1, 1946, may complete and file with the Registry a Request for a Non-Certified Copy of an Original Birth Certificate. The Registry shall

provide such adult adopted or surrendered person with an unaltered, non-certified copy of his or her original birth certificate upon receipt of the Request for a Non-Certified Copy of an Original Birth Certificate. Additionally, in cases where an adopted or surrendered person born in Illinois prior to January 1, 1946, is deceased, and one of his or her surviving adult children or his or her surviving spouse has registered with the Registry, he or she may complete and file with the Registry a Request for a Non-Certified Copy of an Original Birth Certificate. The Registry shall provide such surviving adult child or surviving spouse with an unaltered, non-certified copy of the adopted or surrendered person's original birth certificate upon receipt of the Request for a Non-Certified Copy of an Original Birth Certificate.

(2) Beginning November 1, 2011, any adult adopted or surrendered person who was born in Illinois on or after January 1, 1946, may complete and file with the Registry a Request for a Non-certified Copy of an Original Birth Certificate. Additionally, in cases where the adopted or surrendered person is deceased and one of his or her surviving adult children or his or her surviving spouse has registered with the Registry, he or she may complete and file with the Registry a Request for a Non-Certified Copy of an Original Birth Certificate. Upon receipt of such request from an adult adopted or surrendered person or from one of his or her surviving adult children or his or her surviving spouse, the Registry shall:

(i) Determine if there is a Denial of Information Exchange which was filed by a birth parent named on the original birth certificate prior to January 1, 2011. If a Denial was filed by a birth parent named on the original birth certificate prior to January 1, 2011, and there is no proof of death in the Registry file for the birth parent who filed said Denial, the Registry shall inform the requesting adult adopted or surrendered person or the requesting surviving adult child or surviving spouse of a deceased adopted or surrendered person that they may receive a non-certified copy of the original birth certificate from which all identifying information pertaining to the birth parent who filed the Denial has been redacted. A requesting adult adopted or surrendered person shall also be informed in writing of his or her right to petition the court for the appointment of a confidential intermediary pursuant to Section 18.3a of this Act and, if applicable, to conduct a search through an agency post-adoption search program once 5 years have elapsed since the birth parent filed the Denial of Information Exchange with the Registry.

(ii) Determine if a birth parent named on the original birth certificate has filed a Birth Parent Preference Form. If one of the birth parents named on the original birth certificate filed a Birth Parent Preference Form and selected Option A, B, C, or D, the Registry shall forward to the adult adopted or surrendered person or to the surviving adult child or surviving spouse of a deceased adopted or surrendered person a copy of the Birth Parent Preference Form. If one of the birth parents named on the original birth certificate filed a Birth Parent Preference Form and selected Option E, and there is no proof of death in the Registry file for the birth parent who filed said Birth Parent Preference Form, the Registry shall inform the requesting adult adopted or surrendered person or the requesting surviving adult child or surviving spouse of a deceased adopted or surrendered person that he or she may receive a non-certified copy of the original birth certificate from which identifying information pertaining to the birth parent who completed the Birth Parent Preference Form has been redacted per the birth parent's specifications on the Form. The Registry shall forward to the adult adopted or surrendered person or to the surviving adult child or surviving spouse of a deceased adopted or surrendered person a copy of the Birth Parent Preference Form filed by the birth parent from which identifying information has been redacted per the birth parent's specifications on the Form. The requesting adult adopted or surrendered person shall also be informed in writing of his or her right to petition the court for the appointment of a confidential intermediary pursuant to Section 18.3a of this Act, and, if applicable, to conduct a search through an agency post-adoption search program once 5 years have elapsed since the birth parent filed the Birth Parent Preference Form, on which Option E was selected, with the Registry.

(iii) Determine if a birth parent named on the original birth certificate has filed an Information Exchange Authorization.

(iv) If the Registry has confirmed that a requesting adult adopted or surrendered person or the parent of a requesting adult child of a deceased adopted or surrendered person or the husband or wife of a requesting surviving spouse was not the object of a Denial of Information Exchange filed by a birth parent on or before December 31, 2010, and that no birth parent named on the original birth certificate has filed a Birth Parent Preference Form where Option E was selected prior to the receipt of a Request for a Non-Certified Copy of an Original Birth Certificate, the Registry shall provide the adult adopted or surrendered person or his or her surviving adult child or surviving spouse with an unaltered non-certified copy of the adopted or surrendered person's original birth certificate.

(3) In cases where the Registry receives a Birth Parent Preference Form from a birth parent subsequent to the release of the non-certified copy of the original birth certificate to an adult adopted or surrendered

person or to the surviving adult child or surviving spouse of a deceased adopted or surrendered person, the Birth Parent Preference Form shall be immediately forwarded to the adult adopted or surrendered person or to the surviving adult child or surviving spouse of the deceased adopted or surrendered person and the birth parent who filed the form shall be informed that the relevant original birth certificate has already been released.

(4) A copy of the original birth certificate shall only be released to adopted or surrendered persons who were born in Illinois; to surviving adult children or surviving spouses of deceased adopted or surrendered persons who were born in Illinois; or to 2 registered parties who have both consented to the release of a non-certified copy of the original birth certificate to one another through the Registry when the birth of the relevant adopted or surrendered person took place in Illinois.

(5) In cases where the Registry receives a Request for a Non-Certified Copy of an Original Birth Certificate from an adult adopted or surrendered person who has not completed a Registry application and the file of that adopted or surrendered person includes an Information Exchange Authorization or Medical Information Exchange Questionnaire from one or more of his or her birth relatives, the Registry shall so inform the adult adopted or surrendered person and forward Registry application forms to him or her along with a non-certified copy of the original birth certificate consistent with the procedures outlined in this subsection (e).

(6) In cases where a birth parent registered with the Registry and filed a Medical Information Exchange Questionnaire prior to the effective date of this amendatory Act of the 96th General Assembly but gave no indication as to his or her wishes regarding contact or the sharing of identifying information, the Registry shall contact the birth parent by written letter prior to January 1, 2011, and provide him or her with the opportunity to indicate his or her preference regarding contact and the sharing of identifying information by submitting a Birth Parent Preference Form to the Registry prior to November 1, 2011.

(7) In cases where the Registry cannot locate a copy of the original birth certificate in the Registry file, they shall be authorized to request a copy of the original birth certificate from the Illinois county where the birth took place for placement in the Registry file.

(8) Adopted and surrendered persons who wish to have their names placed with the Illinois Adoption Registry and Medical Information Exchange may do so by completing a Registry application at any time, but completing a Registry application shall not be required for adopted and surrendered persons who seek only to obtain a copy of their original birth certificate or any relevant Birth Parent Preference Forms through the Registry.

(9) In cases where a birth parent filed a Denial of Information Exchange with the Registry prior to January 1, 2011, or filed a Birth Parent Preference Form with the Registry and selected Option E after January 1, 2011, and a proof of death for the birth parent who filed the Denial or the Birth Parent Preference Form has been filed with the Registry, the Registry shall be authorized to release an unaltered non-certified copy of the original birth certificate to an adult adopted or surrendered person or to the surviving adult child or surviving spouse of a deceased adopted or surrendered person who has filed a Request for a Non-Certified Copy of the Original Birth Certificate with the Registry.

(10) On and after the effective date of this amendatory Act of the 96th General Assembly, in cases where all birth parents named on the original birth certificate of an adopted or surrendered person born after January 1, 1946, are deceased and copies of death certificates for all birth parents named on the original birth certificate have been filed with the Registry, the Registry shall be authorized to release a non-certified copy of the original birth certificate to the adopted or surrendered person upon receipt of his or her Request for a Non-Certified Copy of an Original Birth Certificate.

(f) (e) A registrant may complete all or any part of the Illinois Adoption Registry Application. All Illinois Adoption Registry Applications, Information Exchange Authorizations, Denials of Information Exchange, requests to revoke an Information Exchange Authorization or Denial of Information Exchange, and affidavits submitted to the Registry shall be accompanied by proof of identification.

(f) The Department shall establish the Illinois Adoption Registry Application form including the Medical Information Exchange Questionnaire by rule.

(Source: P.A. 94-173, eff. 1-1-06.)

(750 ILCS 50/18.2) (from Ch. 40, par. 1522.2)

Sec. 18.2. Forms.

(a) The Department shall develop the Illinois Adoption Registry forms as provided in this Section. The General Assembly shall reexamine the content of the form as requested by the Department, in consultation with the Registry Advisory Council. The form of the Birth Parent Registration Identification Form shall be substantially as follows:

BIRTH PARENT REGISTRATION IDENTIFICATION
(Insert all known information)

I,, state that I am the (mother or father) of the following child:
Child's original name: (first) (middle) (last), (hour of birth),
..... (date of birth), (city and state of birth), (name of hospital).
Father's full name: (first) (middle) (last), (date of birth),
..... (city and state of birth).
Name of mother inserted on birth certificate: (first) (middle) (last),
..... (race), (date of birth), (city and state of birth).
That I surrendered my child to: (name of agency), (city and state of
agency), (approximate date child surrendered).
That I placed my child by private adoption: (date), (city and state).
Name of adoptive parents, if known:
Other identifying information:

.....
(Signature of parent)

.....
(date) (printed name of parent)

(b) The form of the Adopted Person Registration Identification shall be substantially as follows:

ADOPTED PERSON
REGISTRATION IDENTIFICATION
(Insert all known information)

I,, state the following:
Adopted Person's present name: (first) (middle) (last).
Adopted Person's name at birth (if known): (first) (middle) (last),
(birth date), (city and state of birth), (sex), (race).
Name of adoptive father: (first) (middle) (last), (race).
Maiden name of adoptive mother: (first) (middle) (last), (race).
Name of birth mother (if known): (first) (middle) (last), (race).
Name of birth father (if known): (first) (middle) (last), (race).
Name(s) at birth of sibling(s) having a common birth parent with adoptee (if known):
(first) (middle) (last), (race), and name of common birth parent: (first) (middle)
(last), (race).
I was adopted through: (name of agency).
I was adopted privately: (state "yes" if known).
I was adopted in (city and state), (approximate date).
Other identifying information:

.....
(signature of adoptee)

.....
(date) (printed name of adoptee)

(c) The form of the Surrendered Person Registration Identification shall be substantially as follows:

SURRENDERED PERSON REGISTRATION
IDENTIFICATION
(Insert all known information)

I,, state the following:
Surrendered Person's present name: (first) (middle) (last).
Surrendered Person's name at birth (if known): (first) (middle) (last),
.....(birth date), (city and state of birth), (sex), (race).
Name of guardian father: (first) (middle) (last), (race).
Maiden name of guardian mother: (first) (middle) (last), (race).
Name of birth mother (if known): (first) (middle) (last) (race).
Name of birth father (if known): (first) (middle) (last),(race).
Name(s) at birth of sibling(s) having a common birth parent with surrendered person (if
known): (first) (middle) (last), (race), and name of common birth parent: (first)

(middle) (last), (race).
 I was surrendered for adoption to: (name of agency).
 I was surrendered for adoption in (city and state), (approximate date).
 Other identifying information:

.....
 (signature of surrendered person)

 (date)
 (printed name of person
 surrendered for adoption)

(c-3) The form of the Registration Identification Form for Surviving Relatives of Deceased Birth Parents shall be ~~substantially~~ as follows:

REGISTRATION IDENTIFICATION FORM
 FOR SURVIVING RELATIVES OF DECEASED BIRTH PARENTS
 (Insert all known information)

I,, state the following:
 Name of deceased birth parent at time of surrender:
 Deceased birth parent's date of birth:
 Deceased birth parent's date of death:
 Adopted or surrendered person's name at birth (if known):(first) (middle)
 (last),(birth date), (city and state of birth), (sex), (race).
 My relationship to the adopted or surrendered person (check one): (birth parent's non-surrendered child)
 (birth parent's sister) (birth parent's brother).

If you are a non-surrendered child of the birth parent, provide name(s) at birth and age(s) of non-surrendered siblings having a common parent with the birth parent. If more than one sibling, please give information requested below on reverse side of this form. If you are a sibling or parent of the birth parent, provide name(s) at birth and age(s) of the sibling(s) of the birth parent. If more than one sibling, please give information requested below on reverse side of this form.

Name (First) (middle) (last),(birth date), (city and state of birth), (sex), (race).
 Name(s) of common parent(s) (first) (middle) (last),(race), (first) (middle) (last),(race).

My birth sibling/child of my brother/child of my sister/ was surrendered for adoption to
 (name of agency) City and state of agency Date(approximate) Other identifying information
 (Please note that you must: (i) be at least 21 years of age to register; (ii) submit with your registration a certified copy of the birth parent's birth certificate; (iii) submit a certified copy of the birth parent's death certificate; and (iv) if you are a non-surrendered birth sibling or a sibling of the deceased birth parent, also submit a certified copy of your birth certificate with this registration. No application from a surviving relative of a deceased birth parent can be accepted if the birth parent filed a Denial of Information Exchange prior to his or her death.)

.....
 (signature of birth parent's surviving relative)

 (date)
 (printed name of birth
 parent's surviving relative)

(c-5) The form of the Registration Identification Form for Surviving Relatives of Deceased Adopted or Surrendered Persons shall be ~~substantially~~ as follows:

REGISTRATION IDENTIFICATION FORM FOR
 SURVIVING RELATIVES OF DECEASED ADOPTED OR SURRENDERED PERSONS
 (Insert all known information)

I,, state the following:
 Adopted or surrendered person's name at birth (if known): (first) (middle)
 (last),(birth date), (city and state of birth), (sex), (race).
 Adopted or surrendered person's date of death:

My relationship to the deceased adopted or surrendered person(check one): (adoptive mother) (adoptive father) (adult child) (surviving spouse).

If you are an adult child or surviving spouse of the adopted or surrendered person, provide name(s) at birth and age(s) of the children of the adopted or surrendered person. If the adopted or surrendered person had more than one child, please give information requested below on reverse side of this form.

Name (first) (middle) (last),(birth date), (city and state of birth), (sex), (race).

Name(s) of common parent(s) (first) (middle) (last),(race), (first) (middle) (last),(race).

My child/parent/deceased spouse was surrendered for adoption to(name of agency) City and state of agency Date (approximate) Other identifying information (Please note that you must: (i) be at least 21 years of age to register; (ii) submit with your registration a certified copy of the adopted or surrendered person's death certificate; (iii) if you are the child of a deceased adopted or surrendered person, also submit a certified copy of your birth certificate with this registration; and (iv) if you are the surviving wife or husband of a deceased adopted or surrendered person, also submit a copy of your marriage certificate with this registration. No application from a surviving relative of a deceased adopted or surrendered person can be accepted if the adopted or surrendered person filed a Denial of Information Exchange prior to his or her death.)

.....
(signature of adopted or surrendered person's surviving relative)

.....
(date) (printed name of adopted person's surviving relative)

(d) The form of the Information Exchange Authorization shall be ~~substantially~~ as follows:

INFORMATION EXCHANGE AUTHORIZATION

I,, state that I am the person who completed the Registration Identification; that I am of the age of years; that I hereby authorize the Department of Public Health to give to the following person(s) (birth mother) (birth father) (birth sibling) (adopted or surrendered person) (adoptive mother) (adoptive father) (legal guardian of an adopted or surrendered person) (birth aunt) (birth uncle) (adult child of a deceased adopted or surrendered person) (surviving spouse of a deceased adopted or surrendered person) (all eligible relatives) the following (please check the information authorized for exchange):

- 1. Only my name and last known address.
- 2. A copy of my Illinois Adoption Registry Application.
- 3. A copy of the adopted or surrendered person's original certificate of live birth (check only if you are an adopted or surrendered person or the surviving adult child or surviving spouse of a deceased adopted or surrendered person).
- 4. A copy of my completed medical questionnaire.

I am fully aware that I can only be supplied with information about an individual or individuals who have duly executed an Information Exchange Authorization that has not been revoked or, if I am an adopted or surrendered person, from a birth parent who completed a Birth Parent Preference Form and did not prohibit the release of his or her identity to me; that I can be contacted by writing to: (own name or name of person to contact) (address) (phone number).

NOTE: New IARMIE registrants who do not complete a Medical Information Exchange Questionnaire and release a copy of their questionnaire to at least one Registry applicant must pay a \$15 registration fee.

Dated (insert date).
..... (signature)

(e) The form of the Denial of Information Exchange shall be ~~substantially~~ as follows:

DENIAL OF INFORMATION EXCHANGE

I,, state that I am the person who completed the Registration Identification; that I am of the age of years; that I hereby instruct the Department of Public Health not to give any identifying information about me to the following person(s) (birth mother) (birth father) (birth sibling)(adopted or surrendered person)(adoptive mother) (adoptive father)(legal guardian of an adopted or surrendered person)(birth

aunt)(birth uncle)(adult child of a deceased adopted or surrendered person) (surviving spouse of a deceased adopted or surrendered person) (all eligible relatives).

IMPORTANT NOTE: A DENIAL FILED BY A BIRTH PARENT ON OR AFTER JANUARY 1, 2011, SHALL NOT PROHIBIT THE RELEASE OF THE BIRTH PARENT'S IDENTIFYING INFORMATION ON THE ORIGINAL BIRTH CERTIFICATE OF AN ADULT ADOPTED OR SURRENDERED PERSON. BIRTH PARENTS WHO WISH TO PROHIBIT THE RELEASE OF THEIR IDENTIFYING INFORMATION ON THE ORIGINAL BIRTH CERTIFICATE OF AN ADULT ADOPTED OR SURRENDERED PERSON SHALL FILE A BIRTH PARENT PREFERENCE FORM ON OR AFTER JANUARY 1, 2011. DENIALS FILED BY A BIRTH PARENT BEFORE JANUARY 1, 2011, WILL EXPIRE UPON THE DEATH OF THE BIRTH PARENT WITH RESPECT TO ACCESS TO IDENTIFYING INFORMATION ON THE ORIGINAL BIRTH CERTIFICATE RELEASED TO AN ADULT ADOPTED OR SURRENDERED PERSON OR TO A SURVIVING ADULT CHILD OR SURVIVING SPOUSE OF A DECEASED ADOPTED OR SURRENDERED PERSON.

I do/do not (circle appropriate response) authorize the Registry to release a copy of my completed Medical Information Exchange Questionnaire to qualified Registry applicants. NOTE: New IARMIE registrants who do not complete a Medical Information Exchange Questionnaire and release a copy of their questionnaire to at least one Registry applicant must pay a \$15 registration fee. Birth parents filing a Denial of Information Exchange are advised that, under Illinois law, an adult adopted person may initiate a search for a birth parent who has filed a Denial of Information Exchange through the State confidential intermediary program once 5 years have elapsed since the filing of the Denial of Information Exchange ; that I do not wish to be contacted.

Dated (insert date).

.....
(signature)

(f) The form of the Birth Parent Preference Form shall be as follows:

In recognition of the basic right of all persons to access their birth records, Illinois law now provides for the release of original birth certificates to adopted and surrendered persons 21 years of age or older upon request. While many birth parents are comfortable sharing their identities or initiating contact with their birth sons and daughters once they have reached adulthood, Illinois law also recognizes that there may be unique situations where a birth parent might have a compelling reason for not wishing to establish contact with a birth son or daughter or for not wishing to release identifying information that appears on the original birth certificate of a birth son or daughter who has reached adulthood. The Illinois Adoption Registry and Medical Information Exchange (IARMIE) has therefore established this form to allow birth parents whose birth son or daughter was born on or after January 1, 1946, to express their wishes regarding contact and the sharing of identifying information listed on the original birth certificate with an adult adopted or surrendered person who has reached the age of 21.

In selecting one of the 5 options below, birth parents should keep in mind that the decision to deny an adult adopted or surrendered person access to identifying information on his or her original birth record and/or information about genetically-transmitted diseases is an important one that can impact the adopted or surrendered person's life in many ways. A request for anonymity on this form only pertains to information that is provided to an adult adopted or surrendered person or his or her surviving relatives through the Registry and does not prevent the disclosure of identifying information that may be available to the adoptee through his or her adoptive parents and/or other means available to him or her. Birth parents who would prefer not to be contacted by their surrendered son or daughter are strongly urged to complete both the Non-Identifying Information Section included on the final page of this document and the Medical Questionnaire in order to provide their surrendered son or daughter with the background information their surrendered son or daughter may need to better understand himself or herself and his or her origins. Furthermore, birth parents whose surrendered son or daughter is under 21 years of age at the time of completion of this form are reminded that, since no original birth certificates are released by the IARMIE before an adoptee has reached the age of 21, and birth parents are encouraged to take as much time as they need to weigh the options available to them before completing this form. Should you need additional assistance in completing this form, please contact the agency that handled the adoption, if applicable, or the Illinois Adoption Registry and Medical Information Exchange at 217-557-5159.

After careful consideration, I, (insert your name), have made the following decision regarding contact with my birth son/birth daughter, (insert birth son's/birth daughter's name at birth, if applicable), who was born in (insert city/town of birth) on (insert date of birth)..... and the release of my identifying information as it appears on his/her original birth certificate when he/she reaches the age of 21, and I have chosen Option (insert A, B, C, D, or E, as applicable). I realize that this form must be

accompanied by a completed IARMIE application form as well as a Medical Information Exchange Questionnaire or the \$15 registration fee. I am also aware that I may revoke this decision at any time by completing a new Birth Parent Preference Form and filing it with the IARMIE. I understand that it is my responsibility to update the IARMIE with any changes to contact information provided below. I also understand that, while preferences regarding the release of identifying information through the Registry are binding unless the law should change in the future, any selection I have made regarding my preferred method of contact is not.

.....

(Signature/Date)

(Please insert your signature and today's date above, as well as under your chosen option, A, B, C, D, or E below.)

Option A. I agree to the release of my identifying information as it appears on my birth son's/birth daughter's original birth certificate, would welcome direct contact with my birth son/birth daughter when he or she has reached the age of 21 and I wish to be contacted at the following mailing address, email address or phone number:

.....

.....

.....

.....

.....

(Signature/Date)

Option B. I agree to the release of my identifying information as it appears on my birth son's/birth daughter's original birth certificate, would welcome contact with my birth son/birth daughter when he or she has reached the age of 21, but I would prefer to be contacted through the following person. (Insert name and mailing address, email address or phone number of chosen contact person.)

.....

.....

(Signature/Date)

Option C. I agree to the release of my name as it appears on my birth son's/birth daughter's original birth certificate, would welcome contact with my birth son/birth daughter when he or she has reached the age of 21, but I would prefer to be contacted through the Illinois confidential intermediary program (please call 800-526-9022 for additional information) or through the agency that handled the adoption. (Insert agency name, address and phone number, if applicable.)

.....

.....

(Signature/Date)

Option D. I agree to the release of my name as it appears on my birth son's/birth daughter's original birth certificate, but I would prefer not to be contacted by my birth son/birth daughter when he or she has reached the age of 21.

.....

(Signature/Date)

Option E. I wish to prohibit the release of my (circle ALL applicable options) first name, last name, last known address, birth son/birth daughter's last name (if last name listed is same as mine), as they appear on my birth son's/birth daughter's original birth certificate and do not wish to be contacted by my birth son/birth daughter when he or she has reached the age of 21. If there were any special circumstances that played a role in your decision to remain anonymous which you would like to share with your birth son/birth daughter, please list them in the space provided below (optional).

.....

.....

I understand that, although I have chosen to prohibit the release of my identity on the copy of the original birth certificate released to my birth son/birth daughter, he or she may request that a court-appointed confidential intermediary contact me to request updated medical information and/or confirm my desire to remain anonymous once 5 years have elapsed since the signing of this form; at the time of this subsequent search, I wish to be contacted through the person named below. (Insert in blank area below the name and phone number of the contact person, or leave it blank if you wish to be contacted directly.) I also understand that this request for anonymity shall expire upon my death.

.....

.....

(Signature/Date)

NOTE: A copy of this form will be forwarded to your birth son or daughter should he or she file a request for his or her original birth certificate with the IARMIE. However, if you have selected Option E, identifying information, per your specifications above, will be deleted from the copy of this form forwarded to your birth son or daughter during your lifetime. In the event that an adopted or surrendered person is deceased, his or her surviving adult children may request a copy of the adopted or surrendered person's original birth certificate providing they have registered with the IARMIE; the copy of this form and the non-certified copy of the original birth certificate forwarded to the surviving child of the adopted or surrendered person shall be redacted per your specifications on this form during your lifetime.

Non-Identifying Information Section

I wish to voluntarily provide the following non-identifying information to my surrendered son or daughter:

My age at the time of my child's birth was

My race is best described as:

My height is:

My body type is best described as (circle one): slim, average, muscular, a few extra pounds, or more than a few extra pounds.

My natural hair color is/was:

My eye color is:

My religion is best described as:

My ethnic background is best described as:

My educational level is closest to (circle applicable response): completed elementary school, graduated from high school, attended college, earned bachelor's degree, earned master's degree, earned doctoral degree.

My occupation is best described as

My hobbies include

My interests include

My talents include

In addition to my surrendered son or daughter, I also am the biological parent of (insert number) boys and (insert number) girls, of whom (insert number) are still living.

The relationship between me and my child's birth mother/birth father would best be described as (circle appropriate response): husband and wife, ex-spouses, boyfriend and girlfriend, casual acquaintances, other (please specify)

(g) The form of the Request for a Non-Certified Copy of an Original Birth Certificate shall be as follows:

REQUEST FOR A NON-CERTIFIED COPY OF AN ORIGINAL BIRTH CERTIFICATE

I, (requesting party's full name), hereby request a non-certified copy of (check appropriate option) my original birth certificate the original birth certificate of my deceased adopted or surrendered parent the original birth certificate of my deceased adopted or surrendered spouse (insert deceased parent's/deceased spouse's name at adoption) I/my deceased parent/my deceased spouse was born in (insert city and county of adopted or surrendered person's birth) on (insert adopted or surrendered person's date of birth). In the event that one or both of my/my deceased parent's/my deceased spouse's birth parents has requested that their identity not be released to me/to my deceased parent/to my deceased spouse, I wish to (check appropriate option) a. receive a non-certified copy of the original birth certificate from which identifying information pertaining to the birth parent who requested anonymity has been deleted; or b. I do not wish to received an altered copy of the original birth certificate.

Dated (insert date).

.....

(signature)

(h) Any ~~(f)~~ The Information Exchange Authorization, and the Denial of Information Exchange, or Birth Parent Preference Form filed with the Registry, or Request for a Non-Certified Copy of an Original Birth Certificate filed with the Registry by a surviving adult child or surviving spouse of a deceased adopted or surrendered person, shall be acknowledged by the person who filed it ~~birth parent, birth sibling, adopted or surrendered person, adoptive parent, or legal guardian~~ before a notary public, in form substantially as follows:

State of

County of

I, a Notary Public, in and for the said County, in the State aforesaid, do hereby certify that personally known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgement, appeared before me in person and acknowledged that (he or she) signed such certificate as (his or her) free and voluntary act and that the statements in such certificate are true.

Given under my hand and notarial seal on (insert date).

.....
(signature)

(i) ~~(g)~~ When the execution of an Information Exchange Authorization, ~~or a Denial of Information Exchange, or Birth Parent Preference Form or Request for a Non-Certified Copy of an Original Birth Certificate completed by a surviving adult child or surviving spouse of a deceased adopted or surrendered person~~ is acknowledged before a representative of an agency, such representative shall have his signature on said Certificate acknowledged before a notary public, in form substantially as follows:

State of.....

County of.....

I, a Notary Public, in and for the said County, in the State aforesaid, do hereby certify that personally known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgement, appeared before me in person and acknowledged that (he or she) signed such certificate as (his or her) free and voluntary act and that the statements in such certificate are true.

Given under my hand and notarial seal on (insert date).

.....
(signature)

(j) ~~(h)~~ When an Illinois Adoption Registry Application, Information Exchange Authorization, ~~or a Denial of Information Exchange, Birth Parent Preference Form, or Request for a Non-Certified Copy of an Original Birth Certificate completed by a surviving adult child or surviving spouse of a deceased adopted or surrendered person~~ is executed in a foreign country, the execution of such document shall be acknowledged or affirmed before an officer of the United States consular services.

(k) ~~(i)~~ If the person signing an Information Exchange Authorization, ~~or a Denial of Information, Birth Parent Preference Form, or Request for a Non-Certified Copy of an Original Birth Certificate completed by a surviving adult child or surviving spouse of a deceased adopted or surrendered person~~ is in the military service of the United States, the execution of such document may be acknowledged before a commissioned officer and the signature of such officer on such certificate shall be verified or acknowledged before a notary public or by such other procedure as is then in effect for such division or branch of the armed forces.

(l) An adopted or surrendered person who completes a Request For a Non-Certified Copy of the Original Birth Certificate shall meet the same filing requirements and pay the same filing fees as a non-adopted person seeking to obtain a copy of his or her original birth certificate.

~~(j) The Department shall modify these forms as necessary to implement the provisions of this amendatory Act of 1999 including creating Registration Identification Forms for non-surrendered birth siblings, adoptive parents and legal guardians.~~

(Source: P.A. 93-189, eff. 1-1-04; 94-173, eff. 1-1-06.)

(750 ILCS 50/18.3) (from Ch. 40, par. 1522.3)

Sec. 18.3. (a) The agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, and any other party to the surrender of a child for adoption or in an adoption proceeding shall ~~inform~~ ~~obtain from~~ any birth parent or parents ~~relinquishing giving up~~ a child for purposes of adoption after the effective date of this Act of the opportunity to register with the Illinois Adoption Registry and Medical Information Exchange and to utilize the Illinois confidential intermediary program and shall obtain a written confirmation that acknowledges the birth parent's receipt of such information. ~~a written statement which indicates: (1) a desire to have identifying information shared with the adopted or surrendered person at a later date; (2) a desire not to have identifying information revealed; or (3) that no decision is made at that time.~~ In addition, the agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, and any other organization involved in the surrender of a child for adoption in an adoption proceeding shall inform the birth parent or parents of a child born, adopted or surrendered in Illinois of the existence of the Illinois Adoption Registry and Medical Information Exchange and provide them with the necessary application forms and if requested, assistance with completing the forms.

~~(b) When the written statement is signed, the birth parent or parents shall be informed in writing that their decision regarding the sharing of identifying information can be made or changed by such birth parent~~

or parents at any future date.

~~(e)~~ The birth parent shall be informed in writing that if contact or exchange of identifying sharing of identifying information with the adult adopted or surrendered person is to occur, that adult adopted or surrendered person ~~he or she~~ must be 21 years of age or over.

~~(d)~~ If the birth parent or parents indicate a desire to share identifying information with the adopted or surrendered person, the birth parent shall complete an Information Exchange Authorization.

~~(e)~~ Any birth parent or parents requesting that no identifying information be revealed to the adopted or surrendered person shall be informed that such request will be conveyed to the adopted or surrendered person if he or she requests such information; and such identifying information shall not be revealed.

~~(f)~~ Any adopted or surrendered person 21 years of age or over may also indicate in writing his or her desire or lack of desire to share identifying information with the birth parent or parents or with one or more of his or her birth relatives. Any adopted or surrendered person requesting that no identifying information be revealed to the birth parent or to one or more of his or her birth relatives shall be informed that such request shall be conveyed to the birth parent or birth relative if he or she requests such information; and such identifying information shall not be revealed.

~~(b)~~ ~~(g)~~ Any birth parent, birth sibling, adopted or surrendered person, adoptive parent, or legal guardian indicating their desire to receive identifying or medical information shall be informed of the existence of the Registry and assistance shall be given to such person to legally record his or her name with the Registry.

~~(c)~~ ~~(h)~~ The agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, and any other organization involved in the surrender of a child for adoption in an adoption proceeding which has written statements from an adopted or surrendered person and the birth parent or a birth sibling indicating a desire to share receive identifying information or establish contact shall supply such information to the mutually consenting parties, except that no identifying information shall be supplied to consenting birth siblings if any such sibling is under 21 years of age. However, both the Registry having an Information Exchange Authorization and the organization having a written statement requesting the sharing of identifying information or contact shall communicate with each other to determine if the adopted or surrendered person or the birth parent or birth sibling has signed a form at a later date indicating a change in his or her desires regarding the sharing of information or contact. ~~The agreement of the birth parent shall be binding.~~

~~(d)~~ ~~(i)~~ On and after January 1, 2000, any licensed child welfare agency which provides post-adoption search assistance to adoptive parents, adopted persons, surrendered persons, birth parents, or other birth relatives shall require that any person requesting post-adoption search assistance complete an Illinois Adoption Registry Application prior to the commencement of the search.

(Source: P.A. 94-173, eff. 1-1-06.)

(750 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)

Sec. 18.3a. Confidential intermediary.

(a) General purposes. Notwithstanding any other provision of this Act, any adopted or surrendered person 21 years of age or over, any adoptive parent or legal guardian of an adopted or surrendered person under the age of 21, or any birth parent of an adopted or surrendered person who is 21 years of age or over may petition the court in any county in the State of Illinois for appointment of a confidential intermediary as provided in this Section for the purpose of exchanging medical information with one or more mutually consenting biological relatives, obtaining identifying information about one or more mutually consenting biological relatives, or arranging contact with one or more mutually consenting biological relatives. Additionally, in cases where an adopted or surrendered person is deceased, an adult child of the adopted or surrendered person or his or her adoptive parents or surviving spouse may file a petition under this Section and in cases where the birth parent is deceased, an adult birth sibling of the adopted or surrendered person or of the deceased birth parent may file a petition under this Section for the purpose of exchanging medical information with one or more mutually consenting biological relatives of the adopted or surrendered person, obtaining identifying information about one or more mutually consenting biological relatives of the adopted or surrendered person, or arranging contact with one or more mutually consenting biological relatives of the adopted or surrendered person. Beginning January 1, 2006, any adopted or surrendered person 21 years of age or over; any adoptive parent or legal guardian of an adopted or surrendered person under the age of 21; any birth parent, birth sibling, birth aunt, or birth uncle of an adopted or surrendered person over the age of 21; any surviving child, adoptive parent, or surviving spouse of a deceased adopted or surrendered person who wishes to petition the court for the appointment of a confidential intermediary shall be required to accompany their petition with proof of registration with the Illinois Adoption Registry

and Medical Information Exchange.

(b) Petition. Upon petition by an adopted or surrendered person 21 years of age or over (an "adult adopted or surrendered person"), an adoptive parent or legal guardian of an adopted or surrendered person under the age of 21, or a birth parent of an adopted or surrendered person who is 21 years of age or over, the court shall appoint a confidential intermediary. Upon petition by an adult child, adoptive parent or surviving spouse of an adopted or surrendered person who is deceased, by an adult birth sibling of an adopted or surrendered person whose common birth parent is deceased and whose adopted or surrendered birth sibling is 21 years of age or over, or by an adult sibling of a birth parent who is deceased, and whose surrendered child is 21 years of age or over, the court may appoint a confidential intermediary if the court finds that the disclosure is of greater benefit than nondisclosure. The petition shall state which biological relative or relatives are being sought and shall indicate if the petitioner wants to do any one or more of the following: exchange medical information with the biological relative or relatives, obtain identifying information from the biological relative or relatives, or to arrange contact with the biological relative.

(c) Order. The order appointing the confidential intermediary shall allow that intermediary to conduct a search for the sought-after relative by accessing those records described in subsection (g) of this Section.

(d) Fees and expenses. The court shall condition the appointment of the confidential intermediary on the petitioner's payment of the intermediary's fees and expenses in advance of the commencement of the work of the confidential intermediary. However, no fee shall be charged if the petitioner is an adult adopted or surrendered person and the sought-after relative is a birth parent who filed a Denial with the Registry prior to January 1, 2011, or filed a Birth Parent Preference Form on which Option E was selected after January 1, 2011 and more than 5 years have transpired since the birth parent filed the Denial of Information Exchange or Birth Parent Preference Form on which Option E was selected.

(e) Eligibility of intermediary. The court may appoint as confidential intermediary any person certified by the Department of Children and Family Services as qualified to serve as a confidential intermediary. Certification shall be dependent upon the confidential intermediary completing a course of training including, but not limited to, applicable federal and State privacy laws.

(f) Confidential Intermediary Council. There shall be established under the Department of Children and Family Services a Confidential Intermediary Advisory Council. One member shall be an attorney representing the Attorney General's Office appointed by the Attorney General. One member shall be a currently certified confidential intermediary appointed by the Director of the Department of Children and Family Services. The Director shall also appoint 5 additional members. When making those appointments, the Director shall consider advocates for adopted persons, adoptive parents, birth parents, lawyers who represent clients in private adoptions, lawyers specializing in privacy law, and representatives of agencies involved in adoptions. The Director shall appoint one of the 7 members as the chairperson. An attorney from the Department of Children and Family Services and the person directly responsible for administering the confidential intermediary program shall serve as ex-officio, non-voting advisors to the Council. Council members shall serve at the discretion of the Director and shall receive no compensation other than reasonable expenses approved by the Director. The Council shall meet no less than twice yearly and shall meet at least once yearly with the Registry Advisory Council, and shall make recommendations to the Director regarding the development of rules, procedures, and forms that will ensure efficient and effective operation of the confidential intermediary process, including:

(1) Standards for certification for confidential intermediaries.

(2) Oversight of methods used to verify that intermediaries are complying with the appropriate laws.

(3) Training for confidential intermediaries, including training with respect to federal and State privacy laws.

(4) The relationship between confidential intermediaries and the court system, including the development of sample orders defining the scope of the intermediaries' access to information.

(5) Any recent violations of policy or procedures by confidential intermediaries and remedial steps, including decertification, to prevent future violations.

(g) Access. Subject to the limitations of subsection (i) of this Section, the confidential intermediary shall have access to vital records or a comparable public entity that maintains vital records in another state in accordance with that state's laws, maintained by the Department of Public Health and its local designees for the maintenance of vital records or a comparable public entity that maintains vital records in another state in accordance with that state's laws and all records of the court or any adoption agency, public or private, as limited in this Section, which relate to the adoption or the identity and location of an adopted or

surrendered person, of an adult child or surviving spouse of a deceased adopted or surrendered person, or of a birth parent, birth sibling, or the sibling of a deceased birth parent. The confidential intermediary shall not have access to any personal health information protected by the Standards for Privacy of Individually Identifiable Health Information adopted by the U.S. Department of Health and Human Services under the Health Insurance Portability and Accountability Act of 1996 unless the confidential intermediary has obtained written consent from the person whose information is being sought by an adult adopted or surrendered person or, if that person is a minor child, that person's parent or guardian. Confidential intermediaries shall be authorized to inspect confidential relinquishment and adoption records. The confidential intermediary shall not be authorized to access medical records, financial records, credit records, banking records, home studies, attorney file records, or other personal records. In cases where a birth parent is being sought, an adoption agency shall inform the confidential intermediary of any statement filed pursuant to Section 18.3, hereinafter referred to as "the 18.3 statement", indicating a desire of the surrendering birth parent to have identifying information shared or to not have identifying information shared. If there was a clear statement of intent by the sought-after birth parent not to have identifying information shared, the confidential intermediary shall discontinue the search and inform the petitioning party of the sought-after relative's intent unless the birth parent filed the 18.3 statement prior to the effective date of this amendatory Act of the 96th General Assembly and more than 5 years have elapsed since the filing of the 18.3 statement. If the adult adopted or surrendered person is the subject of an 18.3 statement indicating a desire not to establish contact which was filed more than 5 years prior to the search request, the confidential intermediary shall confirm the petitioner's desire to continue the search. Information provided to the confidential intermediary by an adoption agency shall be restricted to the full name, date of birth, place of birth, last known address, last known telephone number of the sought-after relative or, if applicable, of the children or siblings of the sought-after relative, and the 18.3 statement.

(h) Adoption agency disclosure of medical information. If the petitioner is an adult adopted or surrendered person or the adoptive parent of a minor and if the petitioner has signed a written authorization to disclose personal medical information, an adoption agency disclosing information to a confidential intermediary shall disclose available medical information about the adopted or surrendered person from birth through adoption.

(i) Duties of confidential intermediary in conducting a search. In conducting a search under this Section, the confidential intermediary shall first confirm that there is no Denial of Information Exchange on file with the Illinois Adoption Registry. If the petitioner is an adult child of an adopted or surrendered person who is deceased, the confidential intermediary shall additionally confirm that the adopted or surrendered person did not file a Denial of Information Exchange with the Illinois Adoption Registry during his or her life. If there is a Denial on file with the Registry, the confidential intermediary must discontinue the search unless the petitioner is an adult adopted or surrendered person and the sought-after birth relative filed the Denial 5 years or more prior to the search or the birth parent has not been the object of a search through the State confidential intermediary program for 10 or more years. If the petitioner is an adult adopted or surrendered person and there is a Birth Parent Preference Form on file with the Registry and the birth parent who completed the form selected Option E, the confidential intermediary must discontinue the search unless 5 years or more have elapsed since the filing of the Birth Parent Preference Form. If the petitioner is an adult birth sibling of an adopted or surrendered person or an adult sibling of a birth parent who is deceased, the confidential intermediary shall additionally confirm that the birth parent did not file a Denial of Information Exchange with the Registry during his or her life. If the confidential intermediary learns that a sought-after birth parent signed an 18.3 a statement indicating his or her intent not to have identifying information shared, and did not later file an Information Exchange Authorization or a Birth Parent Preference Form with the Adoption Registry, the confidential intermediary shall discontinue the search and inform the petitioning party of the birth parent's intent , unless the petitioner is an adult adopted or surrendered person and 5 years or more have elapsed since the birth parent signed the statement indicating his or her intent not to have identifying information shared. In cases where the birth parent filed a Denial of Information Exchange or Birth Parent Preference Form where Option E was selected, or statement indicating his or her intent not to have identifying information shared less than 5 years prior to the search request and the petitioner is an adult adopted or surrendered person, the confidential intermediary shall inform the petitioner of the need to discontinue the search until 5 years have elapsed since the Denial of Information Exchange or Birth Parent Preference Form where Option E was selected, or statement was filed; in cases where a birth parent was previously the subject of a search through the State confidential intermediary program, the confidential intermediary shall inform the petitioner of the need to discontinue the search until 10 years or more have elapsed since the initial search was closed. In cases

where a birth parent has been the object of 2 searches through the State confidential intermediary program, no subsequent search for the birth parent shall be authorized absent a court order to the contrary.

In conducting a search under this Section, the confidential intermediary shall attempt to locate the relative or relatives from whom the petitioner has requested information. If the sought-after relative is deceased or cannot be located after a diligent search, the confidential intermediary may contact other adult relatives of the sought-after relative.

The confidential intermediary shall contact a sought-after relative on behalf of the petitioner in a manner that respects the sought-after relative's privacy and shall inform the sought-after relative of the petitioner's request for medical information, identifying information or contact as stated in the petition. Based upon the terms of the petitioner's request, the confidential intermediary shall contact a sought-after relative on behalf of the petitioner and inform the sought-after relative of the following options:

(1) The sought-after relative may totally reject one or all of the requests for medical information, identifying information or contact. The sought-after relative shall be informed that they can provide a medical questionnaire to be forwarded to the petitioner without releasing any identifying information. The confidential intermediary shall inform the petitioner of the sought-after relative's decision to reject the sharing of information or contact.

(2) The sought-after relative may consent to completing a medical questionnaire only. In this case, the confidential intermediary shall provide the questionnaire and ask the sought-after relative to complete it. The confidential intermediary shall forward the completed questionnaire to the petitioner and inform the petitioner of the sought-after relative's desire to not provide any additional information.

(3) The sought-after relative may communicate with the petitioner without having his or her identity disclosed. In this case, the confidential intermediary shall arrange the desired communication in a manner that protects the identity of the sought-after relative. The confidential intermediary shall inform the petitioner of the sought-after relative's decision to communicate but not disclose his or her identity.

(4) The sought after relative may consent to initiate contact with the petitioner. If both the petitioner and the sought-after relative or relatives are eligible to register with the Illinois Adoption Registry, the confidential intermediary shall provide the necessary application forms and request that the sought-after relative register with the Illinois Adoption Registry. If either the petitioner or the sought-after relative or relatives are ineligible to register with the Illinois Adoption Registry, the confidential intermediary shall obtain written consents from both parties that they wish to disclose their identities to each other and to have contact with each other.

(j) Oath. The confidential intermediary shall sign an oath of confidentiality substantially as follows: "I,, being duly sworn, on oath depose and say: As a condition of appointment as a confidential intermediary, I affirm that:

(1) I will not disclose to the petitioner, directly or indirectly, any confidential information except in a manner consistent with the law.

(2) I recognize that violation of this oath subjects me to civil liability and to a potential finding of contempt of court.

SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert date)"

(k) Sanctions.

(1) Any confidential intermediary who improperly discloses confidential information identifying a sought-after relative shall be liable to the sought-after relative for damages and may also be found in contempt of court.

(2) Any person who learns a sought-after relative's identity, directly or indirectly, through the use of procedures provided in this Section and who improperly discloses information identifying the sought-after relative shall be liable to the sought-after relative for actual damages plus minimum punitive damages of \$10,000.

(3) The Department shall fine any confidential intermediary who improperly discloses confidential information in violation of item (1) or (2) of this subsection (k) an amount up to \$2,000 per improper disclosure. This fine does not affect civil liability under item (2) of this subsection (k). The Department shall deposit all fines and penalties collected under this Section into the Illinois Adoption Registry and Medical Information Fund.

(l) Death of person being sought. Notwithstanding any other provision of this Act, if the confidential intermediary discovers that the person being sought has died, he or she shall report this fact to the court,

along with a copy of the death certificate. If the sought-after relative is a birth parent, the confidential intermediary shall also forward a copy of the birth parent's death certificate or obituary to the Registry for inclusion in the Registry file.

(m) Any confidential information obtained by the confidential intermediary during the course of his or her search shall be kept strictly confidential and shall be used for the purpose of arranging contact between the petitioner and the sought-after birth relative. At the time the case is closed, all identifying information shall be returned to the court for inclusion in the impounded adoption file.

(n) If the petitioner is an adopted or surrendered person 21 years of age or over or the adoptive parent or legal guardian of an adopted or surrendered person under the age of 21, any non-identifying information, as defined in Section 18.4, that is ascertained during the course of the search may be given in writing to the petitioner at any time during the search before the case is closed.

(o) Except as provided in subsection (k) of this Section, no liability shall accrue to the State, any State agency, any judge, any officer or employee of the court, any certified confidential intermediary, or any agency designated to oversee confidential intermediary services for acts, omissions, or efforts made in good faith within the scope of this Section.

(p) An adoption agency that has received a request from a confidential intermediary for the full name, date of birth, last known address, or last known telephone number of a sought-after relative pursuant to subsection (g) of Section ~~18.3a 18.3~~, or for medical information regarding a sought-after relative pursuant to subsection (h) of Section ~~18.3a 18.3~~, must satisfactorily comply with this court order within a period of 45 days. The court shall order the adoption agency to reimburse the petitioner in an amount equal to all payments made by the petitioner to the confidential intermediary, and the adoption agency shall be subject to a civil monetary penalty of \$1,000 to be paid to the Department of Children and Family Services. Following the issuance of a court order finding that the adoption agency has not complied with Section 18.3, the adoption agency shall be subject to a monetary penalty of \$500 per day for each subsequent day of non-compliance. Proceeds from such fines shall be utilized by the Department of Children and Family Services to subsidize the fees of petitioners as referenced in subsection (d) of this Section.

(q) Provide information to eligible petitioner. The confidential intermediary may provide to eligible petitioners as described in subsections (a) and (b) of this Section, the name of the child welfare agency which had legal custody of the surrendered person or responsibility for placing the surrendered person and any available contact information for such agency. In addition, the confidential intermediary may provide to such petitioners the name of the state in which the surrender occurred or in which the adoption was finalized.

Any reimbursements and fines, notwithstanding any reimbursement directly to the petitioner, paid under this subsection are in addition to other remedies a court may otherwise impose by law.

~~Proceeds from the penalties paid to the Department of Children and Family Services shall be deposited into the DCFS Children's Services Fund.~~ The Department of Children and Family Services shall submit reports to the Confidential Intermediary Advisory Council by July 1 and January 1 of each year in order to report the penalties assessed and collected under this subsection, the amounts of related deposits into the DCFS Children's Services Fund, and any expenditures from such deposits.

(Source: P.A. 96-661, eff. 8-25-09.)

(750 ILCS 50/18.5) (from Ch. 40, par. 1522.5)

Sec. 18.5. Liability. No liability shall attach to the State, any agency thereof, any licensed agency, any judge, any officer or employee of the court, or any party or employee thereof involved in the surrender of a child for adoption or in an adoption proceeding for acts or efforts made within the scope of Sections 18.05 thru 18.5, inclusive, of this Act and under its provisions, except for subsection (n) ~~(f)~~ of Section 18.1.

(Source: P.A. 91-417, eff. 1-1-00.)

(750 ILCS 50/18.6) (from Ch. 40, par. 1522.6)

Sec. 18.6. Registry fees. The Department of Public Health shall levy a fee for each registrant under Sections 18.05 through 18.5. A ~~\$15~~ \$40 fee shall be charged for registering with the Illinois Adoption Registry and Medical Information Exchange. However, this fee shall be waived for all adopted or surrendered persons, surviving children and spouses of deceased adopted persons, adoptive parents, legal guardians, birth parents, and birth siblings who complete a Medical Information Exchange Questionnaire at the time of registration and authorize its release to specified registered parties, and for adoptive parents registering within 12 months of the finalization of the adoption. All persons who were registered with the Illinois Adoption Registry prior to the effective date of this amendatory Act of 1999 and who wish to update their registration may do so without charge. No charge of any kind shall be made for the withdrawal of any form provided in Section 18.2.

(Source: P.A. 91-417, eff. 1-1-00.)

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 5429. 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 5429 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Homeowners' Solar Rights Act.

Section 5. Legislative intent. The legislative intent in enacting this Act is to protect the public health, safety, and welfare by encouraging the development and use of solar energy systems in order to conserve and protect the value of land, buildings, and resources by preventing the adoption of measures which will have the ultimate effect, however unintended, of preventing the use of solar energy systems on homes.

Section 10. Associations; prohibitions. Notwithstanding any provision of this Act or other provision of law, the adoption of a bylaw or exercise of any power by the governing entity of a homeowners' association, property owners' association, or condominium unit owners' association which prohibits or has the effect of prohibiting the installation of a solar energy system is expressly prohibited.

Section 15. Deed restrictions; covenants. No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting a solar energy system from being installed on a building erected on a lot or parcel covered by the deed restrictions, covenants, or binding agreements. A property owner may not be denied permission to install a solar energy system by any entity granted the power or right in any deed restriction, covenant, or similar binding agreement to approve, forbid, control, or direct alteration of property. However, for purposes of this Act, the entity may determine the specific location where a solar energy system may be installed on the roof within an orientation to the south or within 45 degrees east or west of due south provided that the determination does not impair the effective operation of the solar energy system. Each homeowners' association, property owner's association, or condominium unit owners' association shall adopt an energy policy statement regarding the location, design, and architectural requirements of solar energy systems within 365 days after the effective date of this Act or within 120 days after an association receives a request for a policy statement or an application from an association member, whichever is sooner. An association shall disclose, upon request, its energy policy statement and shall include the statement in its homeowners', property owners', or condominium unit owners' association declaration.

Section 20. Standards and requirements. A solar energy system shall meet applicable standards and requirements imposed by State and local permitting authorities.

Section 25. Application for approval. Whenever approval is required for the installation or use of a solar energy system, the application for approval shall be processed by the appropriate approving entity within 90 days after the submission of the application. However, if an application is submitted before an energy policy statement is adopted by an association, the 90 day period shall not begin to run until the date that the policy is adopted.

Section 30. Violations. Any entity, other than a public entity, that willfully violates this Act shall be liable to the applicant for actual damages occasioned thereby and for any other consequential damages. Any entity that complies with the requirements of this Act shall not be liable to any other resident or third party for such compliance.

Section 35. Costs; attorney's fees. In any litigation arising under this Act, the prevailing party shall be entitled to costs and reasonable attorney's fees."

Representative Feigenholtz offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 5429 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Homeowners' Solar Rights Act.

Section 5. Legislative intent. The legislative intent in enacting this Act is to protect the public health,

safety, and welfare by encouraging the development and use of solar energy systems in order to conserve and protect the value of land, buildings, and resources by preventing the adoption of measures which will have the ultimate effect, however unintended, of preventing the use of solar energy systems on homes.

Section 10. Associations; prohibitions. Notwithstanding any provision of this Act or other provision of law, the adoption of a bylaw or exercise of any power by the governing entity of a homeowners' association, property owners' association, or condominium unit owners' association which prohibits or has the effect of prohibiting the installation of a solar energy system is expressly prohibited.

Section 15. Deed restrictions; covenants. No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting a solar energy system from being installed on a building erected on a lot or parcel covered by the deed restrictions, covenants, or binding agreements. A property owner may not be denied permission to install a solar energy system by any entity granted the power or right in any deed restriction, covenant, or similar binding agreement to approve, forbid, control, or direct alteration of property. However, for purposes of this Act, the entity may determine the specific location where a solar energy system may be installed on the roof within an orientation to the south or within 45 degrees east or west of due south provided that the determination does not impair the effective operation of the solar energy system. Each homeowners' association, property owner's association, or condominium unit owners' association shall adopt an energy policy statement regarding the location, design, and architectural requirements of solar energy systems within 120 days after an association receives a request for a policy statement or an application from an association member. An association shall disclose, upon request, its energy policy statement and shall include the statement in its homeowners', property owners', or condominium unit owners' association declaration.

Section 20. Standards and requirements. A solar energy system shall meet applicable standards and requirements imposed by State and local permitting authorities.

Section 25. Application for approval. Whenever approval is required for the installation or use of a solar energy system, the application for approval shall be processed by the appropriate approving entity of the association within 90 days after the submission of the application. However, if an application is submitted before an energy policy statement is adopted by an association, the 90 day period shall not begin to run until the date that the policy is adopted.

Section 30. Violations. Any entity, other than a public entity, that willfully violates this Act shall be liable to the applicant for actual damages occasioned thereby and for any other consequential damages. Any entity that complies with the requirements of this Act shall not be liable to any other resident or third party for such compliance.

Section 35. Costs; attorney's fees. In any litigation arising under this Act, the prevailing party shall be entitled to costs and reasonable attorney's fees."

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

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

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 5437, 5443 and 5444.

HOUSE BILL 5459. Having been reproduced, was taken up and read by title a second time. Representative Coulson offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 5459 on page 1, by replacing lines 13 through 23 with the following:

"information is completely voluntary, ~~that registration with the Illinois Adoption Registry and Medical Information Exchange is voluntary, that the person will remain anonymous if he or she completes a Denial of Information Exchange, and that the person has the option to provide medical information only and still remain anonymous.~~ The information packet must include all of the following:

(1) ~~(Blank) All Illinois Adoption Registry and Medical Information Exchange application forms, including the Medical Information Exchange Questionnaire and the web site address and toll free phone number of the Registry.~~"; and

on page 2, line 18, by inserting before the comma the following:

"of a parent"; and

by replacing lines 20 through 26 of page 2 and lines 1 through 13 of page 3 with the following:

"Medical Information Exchange to hospitals, police stations, fire stations, and emergency medical facilities.

(b) The information packet given to a relinquishing parent in accordance with this Act shall include, in addition to other information required under this Act, the following:

(1) A brochure (with a self-mailer attached) that describes this Act and the rights of birth parents, including an optional section for the parent to complete and mail to the Department of Children and Family Services, that shall ask for basic anonymous background information about the relinquished child. This brochure shall be maintained by the Department on its website.

(2) A brochure that describes the Illinois Adoption Registry, including a toll-free number and website information. This brochure shall be maintained on the Office of Vital Records website.

(3) A brochure describing postpartum health information for the mother.

The information packet shall be designed in coordination between the Office of Vital Records and the Department of Children and Family Services, with the exception of the resource list of providers of counseling services and adoption agencies, which shall be provided by the hospital, fire station, police station, sheriff's office, or emergency medical facility."

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 5469. Having been recalled on March 9, 2010, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 5477 and 5480.

RECALLS

At the request of the principal sponsor, Representative Bill Mitchell, HOUSE BILL 4663 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 Brady, HOUSE BILL 5197 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 Phelps, HOUSE BILL 5221 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

At the hour of 1:53 o'clock p.m., Representative Currie moved that the House do now adjourn until Thursday, March 11, 2010, at 12:00 o'clock p.m., allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 QUORUM ROLL CALL FOR ATTENDANCE

March 10, 2010

0 YEAS

0 NAYS

114 PRESENT

P Acevedo	P Davis, William	P Joyce	P Reitz
P Arroyo	P DeLuca	P Kosel	P Riley
P Bassi	P Dugan	P Lang	P Rita
P Beaubien	P Dunkin	P Leitch	P Rose
P Beiser	P Durkin	P Lyons	P Sacia
P Bellock	P Eddy	P Mathias	P Saviano
P Berrios	P Farnham	P Mautino	P Schmitz
P Biggins	P Feigenholtz	P May	P Senger
P Black	P Flider	P McAsey	P Sente
P Boland	P Flowers	P McAuliffe	P Smith
P Bost	P Ford	P McCarthy	P Sommer
P Bradley	P Fortner	P McGuire	P Soto
P Brady	P Franks	P Mell	P Stephens
P Brauer	E Fritchey	P Mendoza (ADDED)	P Sullivan
P Burke	P Froehlich	P Miller	P Thapedi
P Burns	P Golar	P Mitchell, Bill	P Tracy
P Cavaletto	P Gordon, Careen	P Mitchell, Jerry	P Tryon
P Chapa LaVia	P Gordon, Jehan	P Moffitt	P Turner
P Coladipietro	P Graham	P Mulligan	P Verschoore
E Cole	P Hamos	E Myers	P Wait
P Collins	P Hannig	P Nekritz	P Walker
P Colvin	P Harris	P Osmond	P Washington
P Connelly	P Hatcher	P Osterman	P Watson
P Coulson	P Hernandez	P Phelps	P Winters
P Crespo	P Hoffman	P Pihos	P Yarbrough
P Cross	P Holbrook	P Poe	P Zalewski
P Cultra	P Howard	P Pritchard	P Mr. Speaker
P Currie	P Jackson	P Ramey	
P D'Amico	P Jakobsson	P Reboletti	
P Davis, Monique	P Jefferson	P Reis	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 2190
LOCAL GOVERNMENT-TECH
THIRD READING
PASSED

March 10, 2010

99 YEAS	14 NAYS	0 PRESENT	
Y Acevedo	Y Davis, William	Y Joyce	Y Reitz
Y Arroyo	N DeLuca	Y Kosel	Y Riley
Y Bassi	Y Dugan	Y Lang	Y Rita
Y Beaubien	Y Dunkin	Y Leitch	Y Rose
Y Beiser	Y Durkin	Y Lyons	Y Sacia
Y Bellock	Y Eddy	Y Mathias	Y Saviano
Y Berrios	N Farnham	Y Mautino	Y Schmitz
Y Biggins	Y Feigenholtz	N May	Y Senger
Y Black	N Flider	N McAsey	N Sente
Y Boland	Y Flowers	Y McAuliffe	Y Smith
Y Bost	Y Ford	Y McCarthy	Y Sommer
Y Bradley	Y Fortner	Y McGuire	Y Soto
Y Brady	N Franks	Y Mell	Y Stephens
Y Brauer	E Fritchey	A Mendoza	Y Sullivan
Y Burke	Y Froehlich	Y Miller	N Thapedi
Y Burns	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Jerry	Y Tryon
N Chapa LaVia	N Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	Y Graham	Y Mulligan	Y Verschoore
E Cole	Y Hamos	E Myers	Y Wait
Y Collins	Y Hannig	Y Nekritz	N Walker
Y Colvin	Y Harris	N Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
Y Coulson	Y Hernandez	Y Phelps	Y Winters
N Crespo	Y Hoffman	Y Pihos	Y Yarbrough
Y Cross	Y Holbrook	Y Poe	Y Zalewski
Y Cultra	Y Howard	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	N Reboletti	
Y Davis, Monique	Y Jefferson	Y Reis	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5861
 MHDD CD-NOTIFY STATE POLICE
 THIRD READING
 PASSED

March 10, 2010

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, William	Y Joyce	Y Reitz
Y Arroyo	Y DeLuca	Y Kosel	Y Riley
Y Bassi	Y Dugan	Y Lang	Y Rita
Y Beaubien	Y Dunkin	Y Leitch	Y Rose
Y Beiser	Y Durkin	Y Lyons	Y Sacia
Y Bellock	Y Eddy	Y Mathias	Y Saviano
Y Berrios	Y Farnham	Y Mautino	Y Schmitz
Y Biggins	Y Feigenholtz	Y May	Y Senger
Y Black	Y Flider	Y McAsey	Y Sente
Y Boland	Y Flowers	Y McAuliffe	Y Smith
Y Bost	Y Ford	Y McCarthy	Y Sommer
Y Bradley	Y Fortner	Y McGuire	Y Soto
Y Brady	Y Franks	Y Mell	Y Stephens
Y Brauer	E Fritchey	Y Mendoza	Y Sullivan
Y Burke	Y Froehlich	Y Miller	Y Thapedi
Y Burns	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	NV Turner
Y Coladipietro	Y Graham	Y Mulligan	Y Verschoore
E Cole	Y Hamos	E Myers	Y Wait
Y Collins	Y Hannig	Y Nekritz	Y Walker
Y Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
Y Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	Y Hoffman	Y Pihos	Y Yarbrough
Y Cross	Y Holbrook	Y Poe	Y Zalewski
Y Cultra	Y Howard	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	Y Reboletti	
Y Davis, Monique	Y Jefferson	Y Reis	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5888
UNIFORM ARBITRATION-RULES
THIRD READING
PASSED

March 10, 2010

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, William	Y Joyce	Y Reitz
Y Arroyo	Y DeLuca	Y Kosel	Y Riley
Y Bassi	Y Dugan	Y Lang	Y Rita
Y Beaubien	Y Dunkin	Y Leitch	Y Rose
Y Beiser	Y Durkin	Y Lyons	Y Sacia
Y Bellock	Y Eddy	Y Mathias	Y Saviano
Y Berrios	Y Farnham	Y Mautino	Y Schmitz
Y Biggins	Y Feigenholtz	Y May	Y Senger
Y Black	Y Flider	Y McAsey	Y Sente
Y Boland	Y Flowers	Y McAuliffe	Y Smith
Y Bost	Y Ford	Y McCarthy	Y Sommer
Y Bradley	Y Fortner	Y McGuire	Y Soto
Y Brady	Y Franks	Y Mell	Y Stephens
Y Brauer	E Fritchey	Y Mendoza	Y Sullivan
Y Burke	Y Froehlich	Y Miller	Y Thapedi
Y Burns	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	Y Graham	Y Mulligan	Y Verschoore
E Cole	Y Hamos	E Myers	Y Wait
Y Collins	Y Hannig	Y Nekritz	Y Walker
Y Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
Y Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	Y Hoffman	Y Pihos	Y Yarbrough
Y Cross	Y Holbrook	Y Poe	Y Zalewski
Y Cultra	Y Howard	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	Y Reboletti	
Y Davis, Monique	Y Jefferson	Y Reis	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5891
 MEDICAID-BREAST/CERVICAL CANCER
 THIRD READING
 PASSED

March 10, 2010

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, William	Y Joyce	Y Reitz
Y Arroyo	Y DeLuca	Y Kosel	Y Riley
Y Bassi	Y Dugan	Y Lang	Y Rita
Y Beaubien	Y Dunkin	Y Leitch	Y Rose
Y Beiser	Y Durkin	Y Lyons	Y Sacia
Y Bellock	Y Eddy	Y Mathias	Y Saviano
Y Berrios	Y Farnham	Y Mautino	Y Schmitz
Y Biggins	Y Feigenholtz	Y May	Y Senger
Y Black	Y Flider	Y McAsey	Y Sente
Y Boland	Y Flowers	Y McAuliffe	Y Smith
Y Bost	Y Ford	Y McCarthy	Y Sommer
Y Bradley	Y Fortner	Y McGuire	Y Soto
Y Brady	Y Franks	Y Mell	Y Stephens
Y Brauer	E Fritchey	Y Mendoza	Y Sullivan
Y Burke	Y Froehlich	Y Miller	Y Thapedi
Y Burns	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	Y Graham	Y Mulligan	Y Verschoore
E Cole	Y Hamos	E Myers	Y Wait
Y Collins	Y Hannig	Y Nekritz	Y Walker
Y Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
Y Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	Y Hoffman	Y Pihos	Y Yarbrough
Y Cross	Y Holbrook	Y Poe	Y Zalewski
Y Cultra	Y Howard	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	Y Reboletti	
Y Davis, Monique	Y Jefferson	Y Reis	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5946
HWY AD CONTROL ACT-DEFINITIONS
THIRD READING
PASSED

March 10, 2010

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, William	Y Joyce	Y Reitz
Y Arroyo	Y DeLuca	Y Kosel	Y Riley
Y Bassi	Y Dugan	Y Lang	Y Rita
Y Beaubien	Y Dunkin	Y Leitch	Y Rose
Y Beiser	Y Durkin	Y Lyons	Y Sacia
Y Bellock	Y Eddy	Y Mathias	Y Saviano
Y Berrios	Y Farnham	Y Mautino	Y Schmitz
Y Biggins	Y Feigenholtz	Y May	Y Senger
Y Black	Y Flider	Y McAsey	Y Sente
Y Boland	Y Flowers	Y McAuliffe	Y Smith
Y Bost	Y Ford	Y McCarthy	Y Sommer
Y Bradley	Y Fortner	Y McGuire	Y Soto
Y Brady	Y Franks	Y Mell	Y Stephens
Y Brauer	E Fritchey	Y Mendoza	Y Sullivan
Y Burke	Y Froehlich	Y Miller	Y Thapedi
Y Burns	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	Y Graham	Y Mulligan	Y Verschoore
E Cole	Y Hamos	E Myers	Y Wait
Y Collins	Y Hannig	Y Nekritz	Y Walker
Y Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
Y Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	Y Hoffman	Y Pihos	Y Yarbrough
Y Cross	Y Holbrook	Y Poe	Y Zalewski
Y Cultra	Y Howard	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	Y Reboletti	
Y Davis, Monique	Y Jefferson	Y Reis	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5958
 STATE FIRE MARSHAL-TRAINING
 THIRD READING
 PASSED

March 10, 2010

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, William	Y Joyce	Y Reitz
Y Arroyo	Y DeLuca	Y Kosel	Y Riley
Y Bassi	Y Dugan	Y Lang	Y Rita
Y Beaubien	Y Dunkin	Y Leitch	Y Rose
Y Beiser	Y Durkin	Y Lyons	Y Sacia
Y Bellock	Y Eddy	Y Mathias	Y Saviano
Y Berrios	Y Farnham	Y Mautino	Y Schmitz
Y Biggins	Y Feigenholtz	Y May	Y Senger
Y Black	Y Flider	Y McAsey	Y Sente
Y Boland	Y Flowers	Y McAuliffe	Y Smith
Y Bost	Y Ford	Y McCarthy	Y Sommer
Y Bradley	Y Fortner	Y McGuire	Y Soto
Y Brady	Y Franks	Y Mell	Y Stephens
Y Brauer	E Fritchey	Y Mendoza	Y Sullivan
Y Burke	Y Froehlich	Y Miller	Y Thapedi
Y Burns	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	Y Graham	Y Mulligan	Y Verschoore
E Cole	Y Hamos	E Myers	Y Wait
Y Collins	Y Hannig	Y Nekritz	Y Walker
Y Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
Y Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	Y Hoffman	Y Pihos	Y Yarbrough
Y Cross	Y Holbrook	Y Poe	Y Zalewski
Y Cultra	Y Howard	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	Y Reboletti	
Y Davis, Monique	Y Jefferson	Y Reis	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 6079
 SCH CD-PILOT COOP ELEM-HS PGM
 THIRD READING
 PASSED

March 10, 2010

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, William	Y Joyce	Y Reitz
Y Arroyo	Y DeLuca	Y Kosel	Y Riley
Y Bassi	Y Dugan	Y Lang	Y Rita
Y Beaubien	Y Dunkin	Y Leitch	Y Rose
Y Beiser	Y Durkin	Y Lyons	Y Sacia
Y Bellock	Y Eddy	Y Mathias	Y Saviano
Y Berrios	Y Farnham	Y Mautino	Y Schmitz
Y Biggins	Y Feigenholtz	Y May	Y Senger
Y Black	Y Flider	Y McAsey	Y Sente
Y Boland	Y Flowers	Y McAuliffe	Y Smith
Y Bost	Y Ford	Y McCarthy	Y Sommer
Y Bradley	Y Fortner	Y McGuire	Y Soto
Y Brady	Y Franks	Y Mell	Y Stephens
Y Brauer	E Fritchey	Y Mendoza	Y Sullivan
Y Burke	Y Froehlich	Y Miller	Y Thapedi
Y Burns	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	Y Graham	Y Mulligan	Y Verschoore
E Cole	Y Hamos	E Myers	Y Wait
Y Collins	Y Hannig	Y Nekritz	Y Walker
Y Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
Y Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	Y Hoffman	Y Pihos	Y Yarbrough
Y Cross	Y Holbrook	Y Poe	Y Zalewski
Y Cultra	Y Howard	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	Y Reboletti	
Y Davis, Monique	Y Jefferson	Y Reis	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3785
 MUNI CD-POLITICAL SIGNS
 MOTION TO CONCUR IN SENATE AMENDMENT NO. 1
 CONCURRED

March 10, 2010

113 YEAS

1 NAY

0 PRESENT

Y Acevedo	Y Davis, William	Y Joyce	Y Reitz
Y Arroyo	Y DeLuca	Y Kosel	Y Riley
Y Bassi	Y Dugan	Y Lang	Y Rita
Y Beaubien	Y Dunkin	Y Leitch	Y Rose
Y Beiser	Y Durkin	Y Lyons	Y Sacia
Y Bellock	Y Eddy	Y Mathias	Y Saviano
Y Berrios	Y Farnham	Y Mautino	Y Schmitz
Y Biggins	Y Feigenholtz	Y May	Y Senger
Y Black	N Flider	Y McAsey	Y Sente
Y Boland	Y Flowers	Y McAuliffe	Y Smith
Y Bost	Y Ford	Y McCarthy	Y Sommer
Y Bradley	Y Fortner	Y McGuire	Y Soto
Y Brady	Y Franks	Y Mell	Y Stephens
Y Brauer	E Fritchey	Y Mendoza	Y Sullivan
Y Burke	Y Froehlich	Y Miller	Y Thapedi
Y Burns	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
Y Coladipietro	Y Graham	Y Mulligan	Y Verschoore
E Cole	Y Hamos	E Myers	Y Wait
Y Collins	Y Hannig	Y Nekritz	Y Walker
Y Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
Y Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	Y Hoffman	Y Pihos	Y Yarbrough
Y Cross	Y Holbrook	Y Poe	Y Zalewski
Y Cultra	Y Howard	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	Y Reboletti	
Y Davis, Monique	Y Jefferson	Y Reis	

E - Denotes Excused Absence

110TH LEGISLATIVE DAY

Perfunctory Session

WEDNESDAY, MARCH 10, 2010

At the hour of 5:56 o'clock p.m., the House convened perfunctory session.

HOUSE RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

HOUSE RESOLUTION 1000

Offered by Representative Black:

WHEREAS, The general public as well as conservation and constituent organizations strongly support the efforts of the Illinois Department of Natural Resources to support, enhance, and protect the natural resources of the State of Illinois, particularly waterways and recreational water trails throughout the State; and

WHEREAS, The Illinois Greenways and Trails Commission was organized to coordinate and communicate activities with statewide conservation associations and to promote and protect the natural resources of this State; and

WHEREAS, The Illinois Greenways and Trail Commission has the expertise and experience needed to identify high quality recreational trails; and

WHEREAS, It is in the best interest of the natural resources of the State for the Illinois Department of Natural Resources to work cooperatively with the Illinois Greenways and Trails Commission; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Illinois Department of Natural Resources to cooperate and coordinate with the Illinois Greenways and Trails Commission in order to develop a model heritage water trail plan as well as national heritage waterways and other high-quality recreational waterway trails and recreational opportunities; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Director of Natural Resources and the Governor of the State of Illinois.

HOUSE RESOLUTION 1002

Offered by Representative Brauer:

WHEREAS, For almost a century, the written history of the State of Illinois was formed under the French flag; and

WHEREAS, French monetary grants, ships, officers, men, arms, and supplies ensured the success of the American Revolution; and

WHEREAS, Marquis de Lafayette, a French army officer, outfitted, crewed, and supplied a French ship he named Victory at his own expense; he then sailed the vessel to South Carolina in support of the American Revolution, arriving in June of 1777; and

WHEREAS, After arriving in the colonies, Marquis de Lafayette was appointed to serve as an aide to General George Washington; and

WHEREAS, Marquis de Lafayette was appointed as a major general of American militia troops by General Washington; and

WHEREAS, Marquis de Lafayette was wounded by British musket fire while fighting alongside General Washington during the Battle of Brandywine in 1777; and

WHEREAS, This gallant French officer became a war hero in both France and the newly-formed United States; and

WHEREAS, Of all the leading heroes of the American Revolution, Marquis de Lafayette's name ranks

fourth in the most common geographical site names in the United States, after George Washington, Benjamin Franklin, and Thomas Jefferson; and

WHEREAS, Following the birth of his first-born son on Christmas Eve of 1779, Marquis de Lafayette named the child George Washington Lafayette in honor of his friend and brother-in-arms; and

WHEREAS, Marquis de Lafayette revisited the United States and the State of Illinois at the invitation of President James Monroe in 1824; during his visit, he was offered citizenship by numerous U.S. states; and

WHEREAS, Marquis de Lafayette was the author of the French Declaration of the Rights of Man, a document based upon the Declaration of Independence; he was also the man who ordered the destruction of the hated French Bastille during the French Revolution; and

WHEREAS, In honor of Marquis de Lafayette, U.S. soldiers during World War I created the battle cry, "Lafayette, we are here"; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we designate June 7 of every year as a fete a jour day in honor of Marquis de Lafayette and his courageous efforts to help our nation gain independence.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Beaubien replaced Representative Pihos in the Committee on Elementary & Secondary Education on March 10, 2010.

Representative Chapa LaVia replaced Representative Golar in the Committee on Elementary & Secondary Education on March 10, 2010.

Representative Nekritz replaced Representative Monique Davis in the Committee on Elementary & Secondary Education on March 10, 2010.

Representative Chapa LaVia replaced Representative Dugan in the Committee on Elementary & Secondary Education on March 10, 2010.

Representative Moffitt replaced Representative Coulson in the Committee on Health Care Licenses on March 10, 2010.

Representative Burns replaced Representative Nekritz in the Committee on Judiciary I - Civil Law on March 10, 2010.

Representative Harris replaced Representative Fritchey in the Committee on Judiciary I - Civil Law on March 10, 2010.

Representative Hamos replaced Representative Boland in the Committee on Elections & Campaign Reform on March 10, 2010.

Representative Turner replaced Representative Monique Davis in the Committee on Juvenile Justice Reform on March 10, 2010.

Representative Reis replaced Representative Myers in the Committee on Higher Education on March 10, 2010.

Representative Mell replaced Representative Dunkin in the Committee on International Trade & Commerce on March 10, 2010.

Representative Flider replaced Representative Collins in the Committee on State Government Administration on March 10, 2010.

Representative Harris replaced Representative Boland in the Committee on State Government Administration on March 10, 2010.

Representative Mell replaced Representative Monique Davis in the Committee on State Government Administration on March 10, 2010.

Representative Coulson replaced Representative Cole in the Committee on Human Services on March 10, 2010.

Representative Currie replaced Representative Flowers in the Committee on Human Services on March 10, 2010.

Representative Ford replaced Representative Flowers in the Committee on Human Services on March 10, 2010.

Representative Sacia replaced Representative Cole in the Committee on Human Services on March 10, 2010.

Representative Mell replaced Representative Howard in the Committee on Human Services on March 10, 2010.

REPORTS FROM STANDING COMMITTEES

Representative Harris, replacing Representative Fritchey, Chairperson, from the Committee on Judiciary I - Civil Law to which the following were referred, action taken on March 10, 2010, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 3693, 4727, 4763, 5369, 5381, 5409, 5677, 5912, 5942, 6072 and 6263.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 5214, 5685, 5895, 5918, 5951, 6053, 6082 and 6124.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Standard Debate: HOUSE BILL 5735.

The committee roll call vote on House Bills 5918 and 6082 is as follows:
16, Yeas; 0, Nays; 0, Answering Present.

- | | |
|------------------------------------|--------------------------------|
| Y Harris(D) (replacing Fritchey) | Y Bradley(D), Vice-Chairperson |
| Y Rose(R), Republican Spokesperson | Y Coladipietro(R) |
| Y Connelly(R) | Y Gordon, Careen(D) |
| Y Hamos(D) | Y Hoffman(D) |
| Y Lang(D) | Y Mathias(R) |
| Y Nekritz(D) | Y Osmond(R) |
| Y Thapedi(D) | Y Tracy(R) |
| Y Wait(R) | Y Zalewski(D) |

The committee roll call vote on House Bills 3693, 4763, 5409, 5677, 5951, 6072 and 6124 is as follows:

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

- | | |
|------------------------------------|--------------------------------|
| Y Harris(D) (replacing Fritchey) | Y Bradley(D), Vice-Chairperson |
| Y Rose(R), Republican Spokesperson | Y Coladipietro(R) |
| Y Connelly(R) | Y Gordon, Careen(D) |
| Y Hamos(D) | Y Hoffman(D) |
| Y Lang(D) | Y Mathias(R) |
| Y Burns(D) (replacing Nekritz) | Y Osmond(R) |
| Y Thapedi(D) | Y Tracy(R) |
| Y Wait(R) | Y Zalewski(D) |

The committee roll call vote on House Bills 5685 and 5895 is as follows:
9, Yeas; 0, Nays; 0, Answering Present.

Y Harris(D) (replacing Fritchey)	Y Bradley(D), Vice-Chairperson
Y Rose(R), Republican Spokesperson	A Coladipietro(R)
A Connelly(R)	A Gordon, Careen(D)
A Hamos(D)	A Hoffman(D)
Y Lang(D)	Y Mathias(R)
A Nekritz(D)	Y Osmond(R)
Y Thapedi(D)	A Tracy(R)
Y Wait(R)	Y Zalewski(D)

The committee roll call vote on House Bill 4727 is as follows:
10, Yeas; 1, Nay; 0, Answering Present.

A Harris(D) (replacing Fritchey)	Y Bradley(D), Vice-Chairperson
A Rose(R), Republican Spokesperson	Y Coladipietro(R)
Y Connelly(R)	N Gordon, Careen(D)
Y Hamos(D)	Y Hoffman(D)
Y Lang(D)	Y Mathias(R)
A Burns(D) (replacing Nekritz)	Y Osmond(R)
Y Thapedi(D)	A Tracy(R)
A Wait(R)	Y Zalewski(D)

The committee roll call vote on House Bill 5214 is as follows:
13, Yeas; 2, Nays; 0, Answering Present.

Y Harris(D) (replacing Fritchey)	Y Bradley(D), Vice-Chairperson
Y Rose(R), Republican Spokesperson	Y Coladipietro(R)
Y Connelly(R)	N Gordon, Careen(D)
Y Hamos(D)	Y Hoffman(D)
N Lang(D)	Y Mathias(R)
A Nekritz(D)	Y Osmond(R)
Y Thapedi(D)	Y Tracy(R)
Y Wait(R)	Y Zalewski(D)

The committee roll call vote on House Bill 5369 is as follows:
12, Yeas; 0, Nays; 0, Answering Present.

Y Harris(D) (replacing Fritchey)	Y Bradley(D), Vice-Chairperson
Y Rose(R), Republican Spokesperson	Y Coladipietro(R)
Y Connelly(R)	A Gordon, Careen(D)
A Hamos(D)	A Hoffman(D)
Y Lang(D)	Y Mathias(R)
A Nekritz(D)	Y Osmond(R)
Y Thapedi(D)	Y Tracy(R)
Y Wait(R)	Y Zalewski(D)

The committee roll call vote on House Bill 5381 is as follows:
11, Yeas; 1, Nay; 0, Answering Present.

Y Harris(D) (replacing Fritchey)	Y Bradley(D), Vice-Chairperson
A Rose(R), Republican Spokesperson	Y Coladipietro(R)
Y Connelly(R)	N Gordon, Careen(D)
Y Hamos(D)	Y Hoffman(D)
Y Lang(D)	Y Mathias(R)
A Nekritz(D)	Y Osmond(R)
Y Thapedi(D)	A Tracy(R)
A Wait(R)	Y Zalewski(D)

The committee roll call vote on House Bill 5735 is as follows:
9, Yeas; 7, Nays; 0, Answering Present.

Y Harris(D) (replacing Fritchey)	Y Bradley(D), Vice-Chairperson
N Rose(R), Republican Spokesperson	N Coladipietro(R)
N Connelly(R)	Y Gordon, Careen(D)
Y Hamos(D)	Y Hoffman(D)
Y Lang(D)	N Mathias(R)
Y Burns(D) (replacing Nekritz)	N Osmond(R)
Y Thapedi(D)	N Tracy(R)
N Wait(R)	Y Zalewski(D)

The committee roll call vote on House Bill 5912 is as follows:
10, Yeas; 0, Nays; 0, Answering Present.

Y Harris(D) (replacing Fritchey)	Y Bradley(D), Vice-Chairperson
Y Rose(R), Republican Spokesperson	A Coladipietro(R)
A Connelly(R)	A Gordon, Careen(D)
A Hamos(D)	A Hoffman(D)
Y Lang(D)	Y Mathias(R)
A Nekritz(D)	Y Osmond(R)
Y Thapedi(D)	Y Tracy(R)
Y Wait(R)	Y Zalewski(D)

The committee roll call vote on House Bill 5942 is as follows:
9, Yeas; 6, Nays; 0, Answering Present.

Y Harris(D) (replacing Fritchey)	Y Bradley(D), Vice-Chairperson
Y Rose(R), Republican Spokesperson	Y Coladipietro(R)
N Connelly(R)	N Gordon, Careen(D)
N Hamos(D)	Y Hoffman(D)
N Lang(D)	Y Mathias(R)
N Nekritz(D)	Y Osmond(R)
Y Thapedi(D)	A Tracy(R)
Y Wait(R)	N Zalewski(D)

The committee roll call vote on House Bill 6053 is as follows:
11, Yeas; 1, Nay; 1, Answering Present.

Y Harris(D) (replacing Fritchey)	Y Bradley(D), Vice-Chairperson
N Rose(R), Republican Spokesperson	Y Coladipietro(R)
Y Connelly(R)	Y Gordon, Careen(D)
A Hamos(D)	A Hoffman(D)
Y Lang(D)	P Mathias(R)
A Nekritz(D)	Y Osmond(R)
Y Thapedi(D)	Y Tracy(R)
Y Wait(R)	Y Zalewski(D)

The committee roll call vote on House Bill 6263 is as follows:
10, Yeas; 1, Nay; 0, Answering Present.

A Harris(D) (replacing Fritchey)	Y Bradley(D), Vice-Chairperson
A Rose(R), Republican Spokesperson	Y Coladipietro(R)
Y Connelly(R)	N Gordon, Careen(D)
Y Hamos(D)	Y Hoffman(D)
Y Lang(D)	Y Mathias(R)
A Burns(D) (replacing Nekritz)	Y Osmond(R)

Y Thapedi(D)
A Wait(R)

A Tracy(R)
Y Zalewski(D)

Representative D'Amico, Chairperson, from the Committee on Vehicles & Safety to which the following were referred, action taken on March 10, 2010, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 5675, 5846 and 6073.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4982, 5341 and 6140.

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 766.

The committee roll call vote on House Bills 4982, 5341, 5675, 5846, 6073 and House Resolution 766 is as follows:

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

Y D'Amico(D), Chairperson
Y Tracy(R), Republican Spokesperson
Y Hatcher(R)

Y Joyce(D), Vice-Chairperson
Y Beiser(D)
Y Reboletti(R)

The committee roll call vote on House Bill 6140 is as follows:
4, Yeas; 2, Nays; 0, Answering Present.

N D'Amico(D), Chairperson
Y Tracy(R), Republican Spokesperson
Y Hatcher(R)

Y Joyce(D), Vice-Chairperson
N Beiser(D)
Y Reboletti(R)

Representative Jakobsson, Chairperson, from the Committee on Human Services to which the following were referred, action taken on March 10, 2010, 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 5132.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Standard Debate: HOUSE BILL 5419.

That the bill be reported "do pass" and be placed on the order of Second Reading-- Standard Debate: HOUSE BILL 5927.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4805, 4927, 5323, 5448, 5501, 5752 and 6205.

That the resolutions be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTIONS 868, 913 and HOUSE JOINT RESOLUTION 92.

The committee roll call vote on House Bill 4927 and House Resolution 913 is as follows:
7, Yeas; 0, Nays; 0, Answering Present.

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

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

The committee roll call vote on House Bills 4805, 5132, 5448, 5501, House Resolution 868 and House Joint Resolution 92 is as follows:

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

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

Y Howard(D), Vice-Chairperson
Y Coulson(R) (replacing Cole)
Y Ford(D) (replacing Flowers)

Y Schmitz(R)

The committee roll call vote on House Bill 5323 is as follows:
7, Yeas; 0, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson	Y Howard(D), Vice-Chairperson
Y Bellock(R), Republican Spokesperson	Y Sacia(R) (replacing Cole)
Y Collins(D)	Y Ford(D) (replacing Flowers)
Y Schmitz(R)	

The committee roll call vote on House Bill 5419 is as follows:
4, Yeas; 3, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson	Y Mell(D (replacing Howard)
N Bellock(R), Republican Spokesperson	Y Coulson(R) (replacing Cole)
N Collins(D)	Y Flowers(D)
N Schmitz(R)	

The committee roll call vote on House Bill 5752 is as follows:
7, Yeas; 0, Nays; 0, Answering Present.

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

The committee roll call vote on House Bill 5927 is as follows:
4, Yeas; 0, Nays; 3, Answering Present.

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

The committee roll call vote on House Bill 6205 is as follows:
5, Yeas; 2, Nays; 0, Answering Present.

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

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on March 10, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to HOUSE BILL 1629.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4664, 4694, 4801, 4802, 5064, 5838 and 6030.

That the bill be reported "do pass" and be placed on the order of Second Reading-- Standard Debate: HOUSE BILL 4992.

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 5545, 5546, 5547, 5548, 5549, 5550, 5551, 5552, 5553, 5554, 5555, 5556, 5557, 5558, 5559, 5560, 5561, 5562, 5563, 5564, 5565, 5566, 5567, 5568, 5569, 5570, 5571, 5572, 5573, 5574, 5575, 5576, 5577, 5578, 5579, 5580, 5581, 5582, 5583, 5584, 5585, 5586, 5587, 5588, 5589, 5590, 5591, 5592, 5593, 5594, 5595, 5596, 5597, 5598, 5599, 5600, 5601, 5602, 5603, 5604, 5605, 5606, 5607, 5608, 5609, 5610, 5611, 5612, 5613, 5614, 5615, 5616, 5617, 5618, 5619, 5620, 5621, 5622, 5623, 5624, 5625, 5626,

5627, 5628, 5629, 5630, 5631, 5632, 5633, 5634, 5635, 5636, 5637, 5638, 5639, 5640, 5641, 5642, 5643, 5644, 5645, 5646, 5647, 5648, 5649, 5650, 5651, 5652, 5653, 5654, 5655, 5656, 5657, 5658, 5659, 5660, 5661, 5662, 5728, 5732, 5790, 5842, 5849, 6300, 6301, 6302, 6303, 6304, 6305, 6306, 6307, 6308, 6309, 6310, 6311, 6312, 6313, 6314, 6315, 6316, 6317, 6318, 6319, 6320, 6321, 6322, 6323, 6324, 6325, 6326, 6327, 6328, 6329, 6330, 6331, 6332, 6333, 6334, 6335, 6336, 6337, 6338, 6339, 6340, 6341, 6342, 6343, 6344, 6345, 6346, 6347, 6348, 6349, 6350, 6351, 6352, 6353, 6354, 6355, 6356, 6357, 6358, 6359, 6360, 6361, 6362, 6363, 6364, 6365, 6366, 6367, 6368, 6369, 6370, 6371, 6372, 6373, 6374, 6375, 6376, 6377, 6378, 6379, 6380, 6381, 6382, 6383, 6384, 6385, 6386, 6387, 6388, 6389, 6390, 6391, 6392, 6393, 6394, 6395, 6396, 6397, 6398, 6399, 6400, 6401, 6402, 6403, 6404, 6405, 6406, 6407, 6408, 6409, 6410, 6411, 6412, 6413, 6414, 6415, 6416, 6417, 6418, 6419, 6420, 6421, 6422, 6423, 6424, 6425, 6426, 6427, 6428, 6429, 6430, 6431, 6432, 6433, 6434, 6435, 6436, 6437, 6438, 6439, 6440, 6441, 6442, 6443, 6444, 6445, 6446, 6447, 6448, 6449, 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6459, 6460, 6461, 6462, 6463, 6464, 6465, 6466, 6467, 6468, 6469, 6470, 6471, 6472, 6473, 6474, 6475, 6476, 6477, 6478, 6479, 6480, 6481, 6482, 6483, 6484, 6485, 6486, 6487, 6488, 6489, 6490, 6491, 6492, 6493, 6494, 6495, 6496, 6497, 6498, 6499, 6500, 6501, 6502, 6503, 6504, 6505, 6506, 6507, 6508, 6509, 6510, 6511, 6512, 6513, 6514, 6515, 6516, 6517, 6518, 6519, 6520, 6521, 6522, 6523, 6524, 6525, 6526, 6527, 6528, 6529, 6530, 6531, 6532, 6533, 6534, 6535, 6536, 6537, 6538, 6539, 6540, 6541, 6542, 6543, 6544, 6545, 6546, 6547, 6548, 6549, 6550, 6551, 6552, 6553, 6554, 6555, 6556, 6557, 6558, 6559, 6560, 6561, 6562, 6563, 6564, 6565, 6566, 6567, 6568, 6569, 6570, 6571, 6572, 6573, 6574, 6575, 6576, 6577, 6578, 6579, 6580, 6581, 6582, 6583, 6584, 6585, 6586, 6587, 6588, 6589, 6590, 6591, 6592, 6593, 6594, 6595, 6596, 6597, 6598, 6599, 6600, 6601, 6602, 6603, 6604, 6605, 6606, 6607, 6608, 6609, 6610, 6611, 6612, 6613, 6614, 6615, 6616 and 6617.

The committee roll call vote on House Bills 4694, 4801, 4802, 5064, 5545, 5546, 5547, 5548, 5549, 5550, 5551, 5552, 5553, 5554, 5555, 5556, 5557, 5558, 5559, 5560, 5561, 5562, 5563, 5564, 5565, 5566, 5567, 5568, 5569, 5570, 5571, 5572, 5573, 5574, 5575, 5576, 5577, 5578, 5579, 5580, 5581, 5582, 5583, 5584, 5585, 5586, 5587, 5588, 5589, 5590, 5591, 5592, 5593, 5594, 5595, 5596, 5597, 5598, 5599, 5600, 5601, 5602, 5603, 5604, 5605, 5606, 5607, 5608, 5609, 5610, 5611, 5612, 5613, 5614, 5615, 5616, 5617, 5618, 5619, 5620, 5621, 5622, 5623, 5624, 5625, 5626, 5627, 5628, 5629, 5630, 5631, 5632, 5633, 5634, 5635, 5636, 5637, 5638, 5639, 5640, 5641, 5642, 5643, 5644, 5645, 5646, 5647, 5648, 5649, 5650, 5651, 5652, 5653, 5654, 5655, 5656, 5657, 5658, 5659, 5660, 5661, 5662, 5728, 5732, 5790, 5838, 5842, 6030, 6300, 6301, 6302, 6303, 6304, 6305, 6306, 6307, 6308, 6309, 6310, 6311, 6312, 6313, 6314, 6315, 6316, 6317, 6318, 6319, 6320, 6321, 6322, 6323, 6324, 6325, 6326, 6327, 6328, 6329, 6330, 6331, 6332, 6333, 6334, 6335, 6336, 6337, 6338, 6339, 6340, 6341, 6342, 6343, 6344, 6345, 6346, 6347, 6348, 6349, 6350, 6351, 6352, 6353, 6354, 6355, 6356, 6357, 6358, 6359, 6360, 6361, 6362, 6363, 6364, 6365, 6366, 6367, 6368, 6369, 6370, 6371, 6372, 6373, 6374, 6375, 6376, 6377, 6378, 6379, 6380, 6381, 6382, 6383, 6384, 6385, 6386, 6387, 6388, 6389, 6390, 6391, 6392, 6393, 6394, 6395, 6396, 6397, 6398, 6399, 6400, 6401, 6402, 6403, 6404, 6405, 6406, 6407, 6408, 6409, 6410, 6411, 6412, 6413, 6414, 6415, 6416, 6417, 6418, 6419, 6420, 6421, 6422, 6423, 6424, 6425, 6426, 6427, 6428, 6429, 6430, 6431, 6432, 6433, 6434, 6435, 6436, 6437, 6438, 6439, 6440, 6441, 6442, 6443, 6444, 6445, 6446, 6447, 6448, 6449, 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6459, 6460, 6461, 6462, 6463, 6464, 6465, 6466, 6467, 6468, 6469, 6470, 6471, 6472, 6473, 6474, 6475, 6476, 6477, 6478, 6479, 6480, 6481, 6482, 6483, 6484, 6485, 6486, 6487, 6488, 6489, 6490, 6491, 6492, 6493, 6494, 6495, 6496, 6497, 6498, 6499, 6500, 6501, 6502, 6503, 6504, 6505, 6506, 6507, 6508, 6509, 6510, 6511, 6512, 6513, 6514, 6515, 6516, 6517, 6518, 6519, 6520, 6521, 6522, 6523, 6524, 6525, 6526, 6527, 6528, 6529, 6530, 6531, 6532, 6533, 6534, 6535, 6536, 6537, 6538, 6539, 6540, 6541, 6542, 6543, 6544, 6545, 6546, 6547, 6548, 6549, 6550, 6551, 6552, 6553, 6554, 6555, 6556, 6557, 6558, 6559, 6560, 6561, 6562, 6563, 6564, 6565, 6566, 6567, 6568, 6569, 6570, 6571, 6572, 6573, 6574, 6575, 6576, 6577, 6578, 6579, 6580, 6581, 6582, 6583, 6584, 6585, 6586, 6587, 6588, 6589, 6590, 6591, 6592, 6593, 6594, 6595, 6596, 6597, 6598, 6599, 6600, 6601, 6602, 6603, 6604, 6605, 6606, 6607, 6608, 6609, 6610, 6611, 6612, 6613, 6614, 6615, 6616 and 6617 is as follows:

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

Y Burke(D), Chairperson
 Y Brady(R), Republican Spokesperson
 Y Arroyo(D)
 Y Biggins(R)
 Y Sullivan(R)
 Y Turner(D)

Y Lyons(D), Vice-Chairperson
 Y Acevedo(D)
 Y Berrios(D)
 Y Rita(D)
 Y Tryon(R)

The committee roll call vote on House Bill 4664 is as follows:

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

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
Y Brady(R), Republican Spokesperson	Y Acevedo(D)
Y Arroyo(D)	Y Berrios(D)
Y Biggins(R)	N Rita(D)
Y Sullivan(R)	Y Tryon(R)
Y Turner(D)	

The committee roll call vote on House Bill 4992 is as follows:

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

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
N Brady(R), Republican Spokesperson	A Acevedo(D)
Y Arroyo(D)	Y Berrios(D)
N Biggins(R)	Y Rita(D)
N Sullivan(R)	N Tryon(R)
Y Turner(D)	

The committee roll call vote on House Bill 5849 is as follows:

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

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
N Brady(R), Republican Spokesperson	Y Acevedo(D)
Y Arroyo(D)	Y Berrios(D)
N Biggins(R)	Y Rita(D)
N Sullivan(R)	N Tryon(R)
Y Turner(D)	

The committee roll call vote on Amendment No. 2 to House Bill 1629 is as follows:

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

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
Y Brady(R), Republican Spokesperson	Y Acevedo(D)
Y Arroyo(D)	Y Berrios(D)
Y Biggins(R)	Y Rita(D)
Y Sullivan(R)	Y Tryon(R)
A Turner(D)	

Representative Smith, Chairperson, from the Committee on Elementary & Secondary Education to which the following were referred, action taken on March 10, 2010, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4755, 4886 and 5340.

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4984 and 6065.

The committee roll call vote on House Bill 4755 is as follows:

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

Y Smith(D), Chairperson	Y Crespo(D), Vice-Chairperson
Y Mitchell, Jerry(R), Republican Spokesperson	P Bassi(R)
Y Cavaletto(R)	Y Colvin(D)
Y Davis, Monique(D)	Y Chapa LaVia(D) (replacing Dugan)
Y Eddy(R)	Y Flider(D)

A Froehlich(D)	Y Golar(D)
Y Miller(D)	A Osterman(D)
P Pihos(R)	A Pritchard(R)
Y Reis(R)	A Senger(R)
Y Watson(R)	Y Yarbrough(D)

The committee roll call vote on House Bill 4886 is as follows:
19, Yeas; 0, Nays; 0, Answering Present.

Y Smith(D), Chairperson	Y Crespo(D), Vice-Chairperson
Y Mitchell, Jerry(R), Republican Spokesperson	Y Bassi(R)
Y Cavaletto(R)	Y Colvin(D)
Y Nekritz(D) (replacing Davis, M)	Y Chapa LaVia(D) (replacing Dugan)
Y Eddy(R)	Y Flider(D)
Y Froehlich(D)	Y Golar(D)
Y Miller(D)	Y Osterman(D)
Y Beaubien(R) (replacing Pihos)	Y Pritchard(R)
Y Reis(R)	Y Senger(R)
A Watson(R)	Y Yarbrough(D)

The committee roll call vote on House Bill 4984 is as follows:
20, Yeas; 0, Nays; 0, Answering Present.

Y Smith(D), Chairperson	Y Crespo(D), Vice-Chairperson
Y Mitchell, Jerry(R), Republican Spokesperson	Y Bassi(R)
Y Cavaletto(R)	Y Colvin(D)
Y Davis, Monique(D)	Y Chapa LaVia(D) (replacing Dugan)
Y Eddy(R)	Y Flider(D)
Y Froehlich(D)	Y Golar(D)
Y Miller(D)	Y Osterman(D)
Y Pihos(R)	Y Pritchard(R)
Y Reis(R)	Y Senger(R)
Y Watson(R)	Y Yarbrough(D)

The committee roll call vote on House Bill 5340 is as follows:
19, Yeas; 0, Nays; 1, Answering Present.

Y Smith(D), Chairperson	Y Crespo(D), Vice-Chairperson
Y Mitchell, Jerry(R), Republican Spokesperson	Y Bassi(R)
Y Cavaletto(R)	Y Colvin(D)
P Davis, Monique(D)	Y Chapa LaVia(D) (replacing Dugan)
Y Eddy(R)	Y Flider(D)
Y Froehlich(D)	Y Golar(D)
Y Miller(D)	Y Osterman(D)
Y Pihos(R)	Y Pritchard(R)
Y Reis(R)	Y Senger(R)
Y Watson(R)	Y Yarbrough(D)

The committee roll call vote on House Bill 6065 is as follows:
15, Yeas; 3, Nays; 1, Answering Present.

Y Smith(D), Chairperson	Y Crespo(D), Vice-Chairperson
Y Mitchell, Jerry(R), Republican Spokesperson	N Bassi(R)
Y Cavaletto(R)	P Colvin(D)
Y Nekritz(D) (replacing Davis, M)	Y Dugan(D)
Y Eddy(R)	Y Flider(D)
N Froehlich(D)	Y Golar(D)

Y Miller(D)	N Osterman(D)
Y Beaubien(R) (replacing Pihos)	Y Pritchard(R)
Y Reis(R)	Y Senger(R)
A Watson(R)	Y Yarbrough(D)

Representative Nekritz, Chairperson, from the Committee on Elections & Campaign Reform to which the following were referred, action taken on March 10, 2010, 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: SENATE BILL 355.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 4872.

The committee roll call vote on House Bill 4872 is as follows:

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

Y Nekritz(D), Chairperson	Y D'Amico(D), Vice-Chairperson
N Brady(R), Republican Spokesperson	Y Hamos(D) (replacing Boland)
N Durkin(R)	Y Jakobsson(D)
Y Mell(D)	A Myers(R)
A Reis(R)	

The committee roll call vote on Senate Bill 355 is as follows:

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

Y Nekritz(D), Chairperson	Y D'Amico(D), Vice-Chairperson
Y Brady(R), Republican Spokesperson	Y Hamos(D) (replacing Boland)
Y Durkin(R)	Y Jakobsson(D)
Y Mell(D)	Y Myers(R)
Y Reis(R)	

Representative Holbrook, Chairperson, from the Committee on Environment & Energy to which the following were referred, action taken on March 10, 2010, reported the same back with the following recommendations:

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4652, 5226, 5907 and 6120.

That the resolutions be reported “recommends be adopted” and be placed on the House Calendar: HOUSE RESOLUTIONS 500, 710 and 933.

The committee roll call vote on House Bill 4652 is as follows:

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

Y Holbrook(D), Chairperson	N Nekritz(D), Vice-Chairperson
N Tryon(R), Republican Spokesperson	Y Beiser(D)
Y Bradley(D)	A Cole(R)
Y Durkin(R)	Y Flider(D)
N Fortner(R)	N Hamos(D)
N May(D)	Y Phelps(D)
Y Poe(R)	Y Reboletti(R)
Y Reitz(D)	A Rose(R)
Y Smith(D)	Y Verschoore(D)
N Watson(R)	Y Winters(R)

The committee roll call vote on House Bills 5226, 6120 and House Resolutions 500 and 710 is as follows:

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

Y Holbrook(D), Chairperson	Y Nekritz(D), Vice-Chairperson
Y Tryon(R), Republican Spokesperson	Y Beiser(D)
Y Bradley(D)	A Cole(R)
Y Durkin(R)	Y Flider(D)
Y Fortner(R)	Y Hamos(D)
Y May(D)	Y Phelps(D)
Y Poe(R)	Y Reboletti(R)
Y Reitz(D)	Y Rose(R)
Y Smith(D)	Y Verschoore(D)
Y Watson(R)	Y Winters(R)

The committee roll call vote on House Bill 5907 is as follows:

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

Y Holbrook(D), Chairperson	A Nekritz(D), Vice-Chairperson
Y Tryon(R), Republican Spokesperson	Y Beiser(D)
Y Bradley(D)	A Cole(R)
Y Durkin(R)	Y Flider(D)
Y Fortner(R)	A Hamos(D)
Y May(D)	Y Phelps(D)
Y Poe(R)	A Reboletti(R)
Y Reitz(D)	Y Rose(R)
Y Smith(D)	Y Verschoore(D)
Y Watson(R)	Y Winters(R)

The committee roll call vote on House Resolution 933 is as follows:

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

Y Holbrook(D), Chairperson	N Nekritz(D), Vice-Chairperson
Y Tryon(R), Republican Spokesperson	Y Beiser(D)
A Bradley(D)	A Cole(R)
Y Durkin(R)	Y Flider(D)
Y Fortner(R)	N Hamos(D)
N May(D)	Y Phelps(D)
Y Poe(R)	Y Reboletti(R)
Y Reitz(D)	A Rose(R)
Y Smith(D)	Y Verschoore(D)
Y Watson(R)	Y Winters(R)

Representative Golar, Chairperson, from the Committee on Disability Services to which the following were referred, action taken on March 10, 2010, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5152.

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 6230.

The committee roll call vote on House Bills 5152 and 6230 is as follows:

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

Y Golar(D), Chairperson	Y Leitch(R), Republican Spokesperson
Y Coulson(R)	Y Crespo(D)
Y Hernandez(D)	Y Pihos(R)
Y Sente(D)	

Representative Boland, Chairperson, from the Committee on Higher Education to which the following were referred, action taken on March 10, 2010, reported the same back with the following recommendations:

That the resolution be reported “recommends be adopted as amended” and be placed on the House Calendar: HOUSE RESOLUTION 918.

That the resolution be reported “recommends be adopted” and be placed on the House Calendar: HOUSE JOINT RESOLUTION 103 and HOUSE RESOLUTION 955.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4608 and 6092.

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5824.

The committee roll call vote on House Bill 4608 is as follows:

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

N Boland(D), Chairperson	Y Jakobsson(D), Vice-Chairperson
Y Pritchard(R), Republican Spokesperson	Y Bost(R)
A Flowers(D)	Y McCarthy(D)
Y Reis(R) (replacing Myers)	

The committee roll call vote on House Bill 5824 is as follows:

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

Y Boland(D), Chairperson	Y Jakobsson(D), Vice-Chairperson
Y Pritchard(R), Republican Spokesperson	Y Bost(R)
Y Flowers(D)	N McCarthy(D)
A Reis(R) (replacing Myers)	

The committee roll call vote on House Bill 6092 and House Resolution 955 is as follows:

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

Y Boland(D), Chairperson	Y Jakobsson(D), Vice-Chairperson
Y Pritchard(R), Republican Spokesperson	Y Bost(R)
Y Flowers(D)	Y McCarthy(D)
Y Reis(R) (replacing Myers)	

The committee roll call vote on House Resolution 918 is as follows:

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

Y Boland(D), Chairperson	Y Jakobsson(D), Vice-Chairperson
Y Pritchard(R), Republican Spokesperson	Y Bost(R)
Y Flowers(D)	Y McCarthy(D)
Y Myers(R)	

The committee roll call vote on House Joint Resolution 103 is as follows:

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

Y Boland(D), Chairperson	Y Jakobsson(D), Vice-Chairperson
Y Pritchard(R), Republican Spokesperson	Y Bost(R)
A Flowers(D)	Y McCarthy(D)
Y Reis(R) (replacing Myers)	

Representative Franks, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on March 10, 2010, 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: SENATE BILL 380, and HOUSE BILLS 4928, 5065, 5802, 6268 and 6272.

That the bill be reported “do pass” and be placed on the order of Second Reading-- Standard Debate: SENATE BILL 365.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4858, 4871, 4985, 4991, 5191, 5289, 5483, 6045, 6194 and 6267.

That the resolutions be reported “recommends be adopted” and be placed on the House Calendar: HOUSE RESOLUTIONS 670, 873, 907, 919, HOUSE JOINT RESOLUTIONS 104 and 110.

That the resolution be reported “recommends be adopted as amended” and be placed on the House Calendar: HOUSE RESOLUTION 751.

The committee roll call vote on House Bills 5191, 5483, 5802, 6272, Senate Bill 380, House Resolution 751 and 919 is as follows:

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

Y Franks(D), Chairperson	Y Dugan(D), Vice-Chairperson
Y Wait(R), Republican Spokesperson	Y Bassi(R)
Y Boland(D)	Y Bost(R)
Y Burns(D)	A Collins(D)
Y Crespo(D)	Y Davis, Monique(D)
Y Farnham(D)	Y Froehlich(D)
Y McAsey(D)	Y Moffitt(R)
A Myers(R)	Y Poe(R)
Y Ramey(R)	

The committee roll call vote on House Bill 4991 is as follows:

9, Yeas; 4, Nays; 2, Answering Present.

Y Franks(D), Chairperson	Y Dugan(D), Vice-Chairperson
N Wait(R), Republican Spokesperson	P Bassi(R)
A Harris(D) (replacing Boland)	N Bost(R)
Y Burns(D)	Y Flider(D) (replacing Collins)
Y Crespo(D)	Y Mell(D) (replacing Davis, M)
Y Farnham(D)	Y Froehlich(D)
Y McAsey(D)	P Moffitt(R)
A Myers(R)	N Poe(R)
N Ramey(R)	

The committee roll call vote on House Bill 5289 is as follows:

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

N Franks(D), Chairperson	Y Dugan(D), Vice-Chairperson
N Wait(R), Republican Spokesperson	N Bassi(R)
Y Harris(D) (replacing Boland)	N Bost(R)
Y Burns(D)	A Collins(D)
Y Crespo(D)	Y Davis, Monique(D)
Y Farnham(D)	Y Froehlich(D)
Y McAsey(D)	Y Moffitt(R)
A Myers(R)	Y Poe(R)
N Ramey(R)	

The committee roll call vote on House Bill 6268 is as follows:

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

Y Franks(D), Chairperson	Y Dugan(D), Vice-Chairperson
Y Wait(R), Republican Spokesperson	Y Bassi(R)
A Boland(D)	Y Bost(R)
A Burns(D)	A Collins(D)
Y Crespo(D)	P Davis, Monique(D)
Y Farnham(D)	P Froehlich(D)

Y McAsey(D)
A Myers(R)
Y Ramey(R)

Y Moffitt(R)
Y Poe(R)

The committee roll call vote on Senate Bill 365 is as follows:

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

Y Franks(D), Chairperson
N Wait(R), Republican Spokesperson
Y Harris(D) (replacing Boland)
Y Burns(D)
Y Crespo(D)
Y Farnham(D)
Y McAsey(D)
A Myers(R)
N Ramey(R)

Y Dugan(D), Vice-Chairperson
N Bassi(R)
N Bost(R)
Y Flider(D) (replacing Collins)
Y Mell(D) (replacing Davis, M)
N Froehlich(D)
N Moffitt(R)
N Poe(R)

The committee roll call vote on House Bill 6045 and House Resolution 873 is as follows:

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

Y Franks(D), Chairperson
Y Wait(R), Republican Spokesperson
Y Harris(D) (replacing Boland)
Y Burns(D)
Y Crespo(D)
Y Farnham(D)
Y McAsey(D)
A Myers(R)
Y Ramey(R)

Y Dugan(D), Vice-Chairperson
Y Bassi(R)
Y Bost(R)
Y Flider(D) (replacing Collins)
Y Mell(D) (replacing Davis, M)
Y Froehlich(D)
Y Moffitt(R)
Y Poe(R)

The committee roll call vote on House Bills 4858, 4928, 6194, 6267, House Resolution 670, House Joint Resolution 104 and 110 is as follows:

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

Y Franks(D), Chairperson
Y Wait(R), Republican Spokesperson
Y Harris(D) (replacing Boland)
Y Burns(D)
Y Crespo(D)
Y Farnham(D)
Y McAsey(D)
A Myers(R)
Y Ramey(R)

Y Dugan(D), Vice-Chairperson
Y Bassi(R)
Y Bost(R)
A Collins(D)
Y Davis, Monique(D)
Y Froehlich(D)
Y Moffitt(R)
Y Poe(R)

The committee roll call vote on House Bills 4871, 4985, 5065 and House Resolution 907 is as follows:

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

Y Franks(D), Chairperson
Y Wait(R), Republican Spokesperson
Y Boland(D)
A Burns(D)
Y Crespo(D)
Y Farnham(D)
Y McAsey(D)
A Myers(R)
Y Ramey(R)

Y Dugan(D), Vice-Chairperson
Y Bassi(R)
Y Bost(R)
A Collins(D)
Y Davis, Monique(D)
Y Froehlich(D)
Y Moffitt(R)
Y Poe(R)

Representative Mendoza, Chairperson, from the Committee on International Trade & Commerce to which the following were referred, action taken on March 10, 2010, 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 5420.

That the resolution be reported “recommends be adopted” and be placed on the House Calendar: HOUSE RESOLUTION 936 and HOUSE JOINT RESOLUTION 107.

The committee roll call vote on House Bill 5420 is as follows:

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

Y Mendoza(D), Chairperson	Y Franks(D), Vice-Chairperson
N Sommer(R), Republican Spokesperson	Y Beaubien(R)
Y Berrios(D)	Y Coladipietro(R)
Y Davis, William(D)	Y Mell(D) (replacing Dunkin)
Y Sacia(R)	Y Senger(R)
Y Walker(D)	

The committee roll call vote on House Resolution 936 is as follows:

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

Y Mendoza(D), Chairperson	Y Franks(D), Vice-Chairperson
Y Sommer(R), Republican Spokesperson	Y Beaubien(R)
Y Berrios(D)	Y Coladipietro(R)
Y Davis, William(D)	Y Mell(D) (replacing Dunkin)
Y Sacia(R)	Y Senger(R)
Y Walker(D)	

The committee roll call vote on House Joint Resolution 107 is as follows:

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

Y Mendoza(D), Chairperson	Y Franks(D), Vice-Chairperson
Y Sommer(R), Republican Spokesperson	Y Beaubien(R)
Y Berrios(D)	Y Coladipietro(R)
Y Davis, William(D)	Y Dunkin(D)
Y Sacia(R)	Y Senger(R)
Y Walker(D)	

Representative Collins, Chairperson, from the Committee on Juvenile Justice Reform to which the following were referred, action taken on March 10, 2010, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 5853 and 6129.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5007.

The committee roll call vote on House Bill 5853 is as follows:

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

Y Collins(D), Chairperson	Y Dunkin(D), Vice-Chairperson
N Reboletti(R), Republican Spokesperson	Y Turner(D) (replacing Davis, M.)
Y Ford(D)	Y Jefferson(D)
N Reis(R)	N Sacia(R)
A Tracy(R)	

The committee roll call vote on House Bill 6129 is as follows:

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

Y Collins(D), Chairperson	Y Dunkin(D), Vice-Chairperson
Y Reboletti(R), Republican Spokesperson	Y Davis, Monique(D)
Y Ford(D)	Y Jefferson(D)
Y Reis(R)	Y Sacia(R)
Y Tracy(R)	

The committee roll call vote on House Bill 5007 is as follows:

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

Y Collins(D), Chairperson	Y Dunkin(D), Vice-Chairperson
Y Reboletti(R), Republican Spokesperson	Y Turner(D) (replacing Davis, M.)
Y Ford(D)	Y Jefferson(D)
Y Reis(R)	Y Sacia(R)
A Tracy(R)	

Representative Osterman, Chairperson, from the Committee on Labor to which the following were referred, action taken on March 10, 2010, 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 6014.

The committee roll call vote on House Bill 6014 is as follows:

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

Y Osterman(D), Chairperson	Y Soto(D), Vice-Chairperson
Y Schmitz(R), Republican Spokesperson	Y Beaubien(R)
Y Bellock(R)	Y Chapa LaVia(D)
A Colvin(D)	A Cultra(R)
A D'Amico(D)	A Davis, William(D)
Y Durkin(R)	Y Gordon, Careen(D)
Y Graham(D)	Y Hernandez(D)
A Hoffman(D)	Y Howard(D)
A Jefferson(D)	A Leitch(R)
Y Mendoza(D)	Y Osmond(R)
A Phelps(D)	Y Stephens(R)
Y Sullivan(R)	Y Tryon(R)
Y Washington(D)	

Representative Rita, Chairperson, from the Committee on Business & Occupational Licenses to which the following were referred, action taken on March 10, 2010, reported the same back with the following recommendations:

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4975, 5281, 5513 and 5868.

The committee roll call vote on House Bill 4975 is as follows:

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

Y Rita(D), Chairperson	A Fritchey(D), Vice-Chairperson
Y Coulson(R), Republican Spokesperson	Y Acevedo(D)
Y Arroyo(D)	Y Beiser(D)
Y Burke(D)	A Coladipietro(R)
Y Connelly(R)	Y DeLuca(D)
A Holbrook(D)	Y McAuliffe(R)
Y Miller(D)	A Mitchell, Bill(R)
Y Mulligan(R)	Y Saviano(R)

The committee roll call vote on House Bill 5281 is as follows:

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

Y Rita(D), Chairperson	A Fritchey(D), Vice-Chairperson
Y Coulson(R), Republican Spokesperson	Y Acevedo(D)
Y Arroyo(D)	Y Beiser(D)
Y Burke(D)	A Coladipietro(R)
Y Connelly(R)	Y DeLuca(D)
Y Holbrook(D)	Y McAuliffe(R)
Y Miller(D)	Y Mitchell, Bill(R)
Y Mulligan(R)	Y Saviano(R)

The committee roll call vote on House Bill 5513 is as follows:

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

Y Rita(D), Chairperson	A Fritchey(D), Vice-Chairperson
Y Coulson(R), Republican Spokesperson	Y Acevedo(D)
Y Arroyo(D)	Y Beiser(D)
Y Burke(D)	A Coladipietro(R)
Y Connelly(R)	Y DeLuca(D)
Y Holbrook(D)	Y McAuliffe(R)
Y Miller(D)	A Mitchell, Bill(R)
Y Mulligan(R)	Y Saviano(R)

The committee roll call vote on House Bill 5868 is as follows:

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

Y Rita(D), Chairperson	A Fritchey(D), Vice-Chairperson
Y Coulson(R), Republican Spokesperson	Y Acevedo(D)
A Arroyo(D)	Y Beiser(D)
Y Burke(D)	A Coladipietro(R)
Y Connelly(R)	Y DeLuca(D)
A Holbrook(D)	Y McAuliffe(R)
A Miller(D)	A Mitchell, Bill(R)
A Mulligan(R)	Y Saviano(R)

SENATE BILL 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: SENATE BILL 355.

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 2504 (Ramey), 2520 (Holbrook), 2533 (Holbrook), 2538 (Davis, W), 2540, (Thapedi) 2544 (Hamos), 2548 (Black), 2549 (McCarthy), 2553 (Saviano), 2566 (Flider), 2579 (Reitz), 2581 (Fritchey) and 2594 (Currie).

At the hour of 6:03 o'clock p.m., the House Perfunctory Session adjourned.