STATE OF ILLINOIS

HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-SIXTH GENERAL ASSEMBLY

147TH LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

WEDNESDAY, NOVEMBER 17, 2010

11:16 O'CLOCK A.M.

NO. 147

HOUSE OF REPRESENTATIVES
Daily Journal Index
147th Legislative Day

The House met pursuant to adjournment.
Representative Turner in the chair.
Prayer by Assistant Doorkeeper of the House Wayne Padget.
Representative Mayfield led the House in the Pledge of Allegiance.
By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:
114 present. (ROLL CALL 1)

By unanimous consent, Representatives Coulson, Dugan, Mulligan and Myers were excused from attendance.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Feigenholtz replaced Representative Dugan in the Committee on State Government Administration on November 17, 2010.

Representative DeLuca replaced Representative Monique Davis in the Committee on Railroad Industry on November 17, 2010.

Representative Riley replaced Representative William Davis in the Committee on Railroad Industry on November 17, 2010.

Representative Mendoza will replace Representative Dugan in the Committee on Elementary & Secondary Education on November 17, 2010.

Representative Farnham replaced Representative Dugan in the Committee on Elementary & Secondary Education on November 17, 2010.

Representative Zalewski replaced Representative Miller in the Committee on Elementary & Secondary Education on November 17, 2010.

Representative Thapedi replaced Representative Colvin in the Committee on Elementary & Secondary Education on November 17, 2010.

Representative Harris replaced Representative Yarbrough in the Committee on Elementary & Secondary Education on November 17, 2010.

Representative Ford replaced Representative Acevedo in the Committee on Personnel and Pensions on November 17, 2010.

Representative Jefferson replaced Representative Turner in the Committee on Rules on November 17, 2010.

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on November 17, 2010, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the Motion be reported "recommends be adopted" and placed on the House Calendar:
Motion #2 to Accept Amendatory Veto to HOUSE BILL 5055.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

State Government Administration: HOUSE AMENDMENT No. 1 to HOUSE BILL 1365.

Adoption Reform: HOUSE AMENDMENT No. 1 to HOUSE BILL 1445.

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 Lang(D)
Y Jefferson (replacing Turner)
A Black(R), Republican Spokesperson
Y Schmitz(R)

REPORTS FROM STANDING COMMITTEES

Representative Franks, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on November 17, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 1453.

The committee roll call vote on Amendment No. 1 to House Bill 1453 is as follows:
16, Yeas; 0, Nays; 0, Answering Present.

Y Franks(D), Chairperson
Y Wait(R), Republican Spokesperson
Y Boland(D)
Y Burns(D)
Y Crespo(D)
Y Farnham(D)
Y McAsey(D)
A Myers(R)
Y Ramey(R)
Y Feigenholtz (replacing Dugan)
Y Bassi(R)
Y Bost(R)
Y Collins(D)
Y Davis, Monique(D)
Y Froehlich(D)
Y Moffitt(R)
Y Poe(R)

Representative Jakobsson, Chairperson, from the Committee on Human Services to which the following were referred, action taken on November 17, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 1512.

The committee roll call vote on Amendment No. 1 to House Bill 1512 is as follows:
6, Yeas; 0, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson
Y Bellock(R), Republican Spokesperson
Y Collins(D)
A Schmitz(R)
Y Howard(D), Vice-Chairperson
Y Cole(R)
Y Flowers(D)

Representative Nekritz, Chairperson, from the Committee on Railroad Industry to which the following were referred, action taken on November 17, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 1516.
Amendment No. 1 to HOUSE BILL 1644.

The committee roll call vote on Amendment No. 1 to House Bill 1516 is as follows:
13, Yeas; 1, Nay; 0, Answering Present.

Y Nekritz(D), Chairperson
Y Moffitt(R), Republican Spokesperson
Y Froehlich(D), Vice-Chairperson
N Black(R)

A Brady(R)
Y Cultra(R)
A Riley (replacing Davis, W)
Y Holbrook(D)
Y Mathias(R)
A Mendoza(D)
A Reitz(D)
Y Winters(R)
Y Cavaletto(R)
A Deluca (replacing Davis, M)
Y Hoffman(D)
Y Howard(D)
Y McGuire(D)
A Mitchell, Jerry(R)
Y Tryon(R)
Y Yarbrough(D)

The committee roll call vote on Amendment No. 1 to House Bill 1644 is as follows:
18, Yeas; 0, Nays; 0, Answering Present.

Y Nekritz(D), Chairperson
Y Moffitt(R), Republican Spokesperson
Y Brady(R)
Y Cultra(R)
Y Riley (replacing Davis, W)
Y Holbrook(D)
Y Mathias(R)
A Mendoza(D)
Y Reitz(D)
Y Winters(R)
Y Froehlich(D), Vice-Chairperson
Y Black(R)
Y Cavaletto(R)
Y Deluca (replacing Davis, M)
Y Hoffman(D)
Y Howard(D)
Y McGuire(D)
A Mitchell, Jerry(R)
Y Tryon(R)
Y Yarbrough(D)

Representative Smith, Chairperson, from the Committee on Elementary & Secondary Education to which the following were referred, action taken on November 17, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 1660.

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 1165.

That the resolution be reported "recommends be adopted as amended" and be placed on the House Calendar: SENATE JOINT RESOLUTION 80.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 2843.

The committee roll call vote on Amendment No. 1 to House Bill 1660, Senate Bill 2843 and House Resolution 1165 is as follows:
20, Yeas; 0, Nays; 0, Answering Present.

Y Smith(D), Chairperson
Y Mitchell, Jerry(R), Republican Spokesperson
Y Schmitz (replacing Cavaletto)
Y Davis, Monique(D)
Y Eddy(R)
Y Froehlich(D)
Y Zalewski (replacing Miller)
Y Pihos(R)
Y Reis(R)
Y Watson(R)
Y Crespo(D), Vice-Chairperson
Y Bassi(R)
Y Thapedi (replacing Colvin)
Y Farnham (replacing Dugan)
Y Flider(D)
Y Golar(D)
Y Osterman(D)
Y Pritchard(R)
Y Senger(R)
Y Harris (replacing Yarbrough)

The committee roll call vote on Senate Joint Resolution 80 is as follows:
11, Yeas; 4, Nays; 3, Answering Present.

Y Smith(D), Chairperson
N Mitchell, Jerry(R), Republican Spokesperson
A Schmitz (replacing Cavaletto)
Y Davis, Monique(D)
Y Crespo(D), Vice-Chairperson
P Bassi(R)
Y Thapedi (replacing Colvin)
Y Farnham (replacing Dugan)

N Eddy(R)
Y Froehlich(D)
Y Zalewski (replacing Miller)
P Pihos(R)
N Reis(R)
A Watson(R)
Y Flider(D)
Y Golar(D)
Y Osterman(D)
P Pritchard(R)
N Senger(R)
Y Harris (replacing Yarbrough)

Representative McCarthy, Chairperson, from the Committee on Personnel and Pensions to which the following were referred, action taken on November 17, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 1565.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 550.

The committee roll call vote on Amendment No. 1 to House Bill 1565 is as follows:

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

Y McCarthy(D), Chairperson
Y Poe(R), Republican Spokesperson
A Brady(R)
Y Burke(D)
Y McAuliffe(R)
Y Colvin(D), Vice-Chairperson
A Ford (replacing Acevedo)
Y Brauer(R)
Y May(D)
A Nekritz(D)

The committee roll call vote on Senate Bill 550 is as follows:

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

Y McCarthy(D), Chairperson
N Poe(R), Republican Spokesperson
N Brady(R)
Y Burke(D)
N McAuliffe(R)
Y Colvin(D), Vice-Chairperson
Y Ford (replacing Acevedo)
N Brauer(R)
Y May(D)
Y Nekritz(D)

REQUEST FOR FISCAL NOTE

Representative Bellock requested that a Fiscal Note be supplied for SENATE BILL 3712, as amended.

REQUEST FOR STATE MANDATES FISCAL NOTE

Representative Bellock requested that a State Mandates Fiscal Note be supplied for SENATE BILL 3712, as amended.

HOME RULE NOTE SUPPLIED

A Home Rule Note has been supplied for HOUSE BILL 6940.

STATE MANDATES FISCAL NOTE SUPPLIED

A State Mandates Fiscal Note has been supplied for HOUSE BILL 6940.

STATE DEBT IMPACT NOTE SUPPLIED

A State Debt Impact Note has been supplied for SENATE BILL 3712, as amended.

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. 362

A bill for AN ACT concerning elections.

SENATE BILL NO. 3779

A bill for AN ACT concerning local government.
Passed by the Senate, November 17, 2010.

Jillayne Rock, Secretary of 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 a bill of the following title, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 3969

A bill for AN ACT concerning government.
Passed by the Senate, November 17, 2010.

Jillayne Rock, Secretary of the Senate

The foregoing SENATE BILLS 362, 3779 and 3969 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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 3677

A bill for AN ACT concerning transportation.
Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 3677
Senate Amendment No. 2 to HOUSE BILL NO. 3677
Passed the Senate, as amended, November 17, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 3677 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 6-205 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 ~~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.

(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.)".

AMENDMENT NO. 2. Amend House Bill 3677, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-601.5 as follows:

(625 ILCS 5/11-601.5)

Sec. 11-601.5. Driving 31 ~~30~~ miles per hour or more in excess of applicable limit.

(a) A person who drives a vehicle upon any highway of this State at a speed that is 31 ~~30~~ miles per hour or more but less than 40 miles per hour in excess of the applicable maximum speed limit established under this Chapter or a local ordinance commits a Class B misdemeanor.

(b) A person who drives a vehicle upon any highway of this State at a speed that is 40 miles per hour or more in excess of the applicable maximum speed limit established under this Chapter or a local ordinance commits a Class A misdemeanor.

(Source: P.A. 96-1002, eff. 1-1-11.)

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

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 3677 was placed on the Calendar on the order of Concurrence.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 5178

A bill for AN ACT concerning revenue.

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

Senate Amendment No. 1 to HOUSE BILL NO. 5178

Senate Amendment No. 2 to HOUSE BILL NO. 5178

Passed the Senate, as amended, November 17, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5178 by replacing everything after the enacting clause with the following:

"Section 5. The Motor Fuel Tax Law is amended by changing Section 1 as follows:

(35 ILCS 505/1) (from Ch. 120, par. 417)

Sec. 1. For the ~~the~~ purposes of this Act the terms set out in Sections 1.1 through 1.21 have the meanings ascribed to them in those Sections.
(Source: P.A. 86-16; 86-1028.)".

AMENDMENT NO. 2. Amend House Bill 5178 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Sections 11-42-1, 11-42-5, and 11-54-1 as follows:

(65 ILCS 5/11-42-1) (from Ch. 24, par. 11-42-1)

Sec. 11-42-1. The corporate authorities of each municipality may license, tax, and regulate auctioneers, private detectives, demolition contractors, money changers, bankers, brokers other than insurance brokers, barbers, and the keepers or owners of lumber yards, lumber storehouses, livery stables, public scales, ice cream parlors, coffee houses, florists, detective agencies, barber shops and sellers of tickets for theatricals, shows, amusements, athletic events and other exhibitions at a place other than the theatre or location where the theatricals, shows, amusements, athletic events and other exhibitions are given or exhibited. No municipality may impose a tax under this Section, or impose any other amusement or exhibition tax, on ticket sales, membership fees, or any other charges for attending exhibitions or attractions associated with a zoological park authorized under Section 40 of the Cook County Forest Preserve District Act, nor may any municipality impose a duty to collect a tax under this Section, or any other amusement or exhibition tax, on any owner or operator of a zoological park authorized under Section 40 of the Cook County Forest Preserve District Act.
(Source: P.A. 89-372, eff. 1-1-96.)

(65 ILCS 5/11-42-5) (from Ch. 24, par. 11-42-5)

Sec. 11-42-5. The corporate authorities of each municipality may license, tax, regulate, or prohibit hawkers, peddlers, pawnbrokers, itinerant merchants, transient vendors of merchandise, theatricals and other exhibitions, shows, and amusements and may license, tax, and regulate all places for eating or amusement. No municipality may impose a tax under this Section, or impose any other amusement or exhibition tax, on ticket sales, membership fees, or any other charges for attending exhibitions or attractions associated with a zoological park authorized under Section 40 of the Cook County Forest Preserve District Act, nor may any municipality impose a duty to collect a tax under this Section, or any other amusement or exhibition tax, on any owner or operator of a zoological park authorized under Section 40 of the Cook County Forest Preserve District Act.
(Source: Laws 1961, p. 576.)

(65 ILCS 5/11-54-1) (from Ch. 24, par. 11-54-1)

Sec. 11-54-1. The corporate authorities of each municipality may license, tax, and regulate all athletic contests and exhibitions carried on for gain. This tax shall be based on the gross receipts derived from the sale of admission tickets, but the tax shall not exceed 3% of the gross receipts. No municipality may impose a tax under this Section, or impose any other amusement or exhibition tax, on ticket sales, membership fees, or any other charges for attending exhibitions or attractions associated with a zoological park authorized under Section 40 of the Cook County Forest Preserve District Act, nor may any municipality impose a duty to collect a tax under this Section, or any other amusement or exhibition tax, on any owner or operator of a zoological park authorized under Section 40 of the Cook County Forest Preserve District Act.
(Source: Laws 1961, p. 576.)

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

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 5178 was placed on the Calendar on the order of Concurrence.

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

SENATE BILL NO. 647

A bill for AN ACT concerning education.
Passed by the Senate, November 17, 2010.

Jillayne Rock, Secretary of 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 a bill of the following title, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 3965

A bill for AN ACT concerning local government.
Passed by the Senate, November 17, 2010.

Jillayne Rock, Secretary of the Senate

The foregoing SENATE BILLS 647 and 3965 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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 3962

A bill for AN ACT concerning criminal law.
Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 3962
Senate Amendment No. 2 to HOUSE BILL NO. 3962
Passed the Senate, as amended, November 17, 2010.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 3962 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 20-2 as follows:

(720 ILCS 5/20-2) (from Ch. 38, par. 20-2)

Sec. 20-2. Possession of explosives or explosive or incendiary devices.

(a) A person commits the ~~the~~ offense of possession of explosives or explosive or incendiary devices in violation of this Section when he or she possesses, manufactures or transports any explosive compound, timing or detonating device for use with any explosive compound or incendiary device and either intends to use such explosive or device to commit any offense or knows that another intends to use such explosive or device to commit a felony.

(b) Sentence.

Possession of explosives or explosive or incendiary devices in violation of this Section is a Class 1 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to not less than 4 years and not more than 30 years.

(c) (Blank).

(Source: P.A. 93-594, eff. 1-1-04; 94-556, eff. 9-11-05.)".

AMENDMENT NO. 2. Amend House Bill 3962, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 32-8 as follows:

(720 ILCS 5/32-8) (from Ch. 38, par. 32-8)

Sec. 32-8. Tampering with public records.

(a) A person who knowingly, ~~and~~ without lawful authority , and with the intent to defraud any party, public officer or entity, alters, destroys, defaces, removes or conceals any public record commits a Class 4 felony.

(b) "Public record" expressly includes, but is not limited to, court records, or documents, evidence, or exhibits filed with the clerk of the court and which have become a part of the official court record, pertaining to any civil or criminal proceeding in any court.

(c) Any judge, circuit clerk or clerk of court, public official or employee, court reporter, or other person who knowingly, ~~and~~ without lawful authority , and with the intent to defraud any party, public officer or entity, alters, destroys, defaces, removes, or conceals any public record received or held by any judge or by a clerk of any court commits a Class 3 felony.

(d) Any person convicted under subsection (c) who at the time of the violation was responsible for making, keeping, storing, or reporting the record for which the tampering occurred:

(1) shall forfeit his or her public office or public employment, if any, and shall thereafter be ineligible for both State and local public office and public employment in this State for a period of 5 years after completion of any term of probation, conditional discharge, or incarceration in a penitentiary including the period of mandatory supervised release;

(2) shall forfeit all retirement, pension, and other benefits arising out of public office or public employment as may be determined by the court in accordance with the applicable provisions of the Illinois Pension Code;

(3) shall be subject to termination of any professional licensure or registration in this State as may be determined by the court in accordance with the provisions of the applicable professional licensing or registration laws;

(4) may be ordered by the court, after a hearing in accordance with applicable law and in addition to any other penalty or fine imposed by the court, to forfeit to the State an amount equal to any financial gain or the value of any advantage realized by the person as a result of the offense; and

(5) may be ordered by the court, after a hearing in accordance with applicable law and in addition to any other penalty or fine imposed by the court, to pay restitution to the victim in an amount equal to any financial loss or the value of any advantage lost by the victim as a result of the offense.

For the purposes of this subsection (d), an offense under subsection (c) committed by a person holding public office or public employment shall be rebuttably presumed to relate to or arise out of or in connection with that public office or public employment.

(e) Any party litigant who believes a violation of this Section has occurred may seek the restoration of the court record as provided in the Court Records Restoration Act. Any order of the court denying the restoration of the court record may be appealed as any other civil judgment ~~having an interest in the protection and integrity of any court record, whether such party be a public official or a private individual, shall have the right to request and, if necessary, to demand that an investigation be opened into the alteration, destruction, defacement, removal, or concealment of any public record. Such request may be made to any law enforcement agency, including, but not limited to, local law enforcement and the State Police~~.

(f) When the sheriff or local law enforcement agency having jurisdiction declines to investigate, or inadequately investigates, the court or any interested party, shall notify the State Police of a suspected ~~a~~ violation of subsection (a) or (c), who ~~the State Police~~ shall have the authority to investigate, and may ~~shall~~ investigate, the same, without regard to whether such local law enforcement agency has requested the State Police to do so.

(g) If ~~When~~ the State's Attorney having jurisdiction declines to prosecute a violation of subsection (a) or (c), the court or interested party shall notify the Attorney General of such refusal. The ~~the~~ Attorney General shall , thereafter, have the authority to prosecute, and may prosecute, the same, without a referral from ~~regard to whether~~ such State's Attorney ~~has requested the Attorney General to do so~~.

(h) Prosecution of a violation of subsection (c) shall be commenced within 3 years after the act constituting the violation is discovered or reasonably should have been discovered.

(Source: P.A. 96-1217, eff. 1-1-11.)".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 3962 was placed on the Calendar on the order of Concurrence.

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 a bill of the following title, the veto of the Governor to the contrary notwithstanding, in the passage of which I am instructed to ask the concurrence of the House, to-wit:

Senate Bill No. 2499

A bill for AN ACT concerning education.

I am further directed to transmit to the House of Representatives the following copy of the Governor's veto message to the Senate:

Passed by the Senate, November 17, 2010, by a three-fifths vote.

Jillayne Rock, Secretary of the Senate

July 27, 2010

To the Honorable Members of the Illinois Senate,
96th General Assembly

Today, I return Senate Bill 2499 to the Illinois Senate, vetoed in its entirety.

I commend the sponsors of this bill for their commitment not only to the constituents they represent, but also to all of the citizens of our State. They are tireless advocates for their communities with a genuine interest in improving education in their districts and beyond

Senate Bill 2499 amends the School Code to specify that starting with the 2010-2011 school year, if a school district's boundaries span multiple counties, then the Illinois State Board of Education must use the limiting rate and individual rates by purpose for the county that contains the majority of the school district's Equalized Assessed Valuation.

For Fiscal Year 2011, the General State Aid remains fixed at the same level as the previous two years. School districts in Illinois have not had any increase in general state aid despite increasing costs. In addition, districts face delayed payments for special education programs, early childhood education block grants and transportation services. Many have received less than half of the payments that are owed to them for FY 2010. Both of these factors have resulted in a significant drain on school resources and districts are faced with difficult choices on maintaining programs. I cannot approve a measure that will boost General State Aid to one district at the expense of all others.

As Governor, I have fought to ensure adequate resources for students in every school district in Illinois. Despite the most difficult fiscal conditions in our State's history, I have maintained the foundation level at $6,119. Approving this bill means lowering the foundation level in every other school district in the State—which I cannot approve of at this time.

I truly believe that in the near future, we need to evaluate the way that we fund education in Illinois. Financing a 21st century education with a 19th century funding model is not beneficial to students and is not fair to taxpayers. However, making piecemeal changes will not fix the system. I look forward to genuine reform in the context of a much broader discussion of funding our State's priorities.

Therefore, in accordance with Article IV, Section 9(b) of the Illinois Constitution, I hereby return Senate Bill 2499, entitled "AN ACT concerning education.", with this statement of objections, vetoed in its entirety.

Sincerely,
s/Pat Quinn
Governor

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 1486

Offered by Representative Madigan:

Congratulates James F. Capraro, the founding Executive Director and CEO of the Greater Southwest Development Corporation, on his retirement.

HOUSE RESOLUTION 1487

Offered by Representative Feigenholtz:

Recognizes that National Adoption Awareness Month highlights the importance of adoption, draws attention to the thousands of Illinois children awaiting a stable and loving home, and fosters public awareness of adoption and foster care.

HOUSE RESOLUTION 1488

Offered by Representative Moffitt:

Congratulates the Galesburg Lions Club members on the 90th anniversary of the organization.

HOUSE RESOLUTION 1489

Offered by Representative Chapa LaVia:

Mourns the death of Bruno Bartoszek of Aurora.

HOUSE RESOLUTION 1490

Offered by Representative Osmond:

Congratulates the pastor and congregation of Saint Stephen Lutheran Church in Antioch on their 45th anniversary.

HOUSE RESOLUTION 1492

Offered by Representative Eddy:

Congratulates the members of the Mount Carmel High School Golf Team on the occasion of winning the IHSA Class 1A State Golf Championship.

HOUSE RESOLUTION 1493

Offered by Representative Careen Gordon:

Congratulates the members of the Channahon Volunteer Fire Department on the occasion of the department's 50th anniversary.

HOUSE BILLS ON SECOND READING

HOUSE BILL 1366. Having been reproduced, was taken up and read by title a second time.

Representative Currie offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 1366 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 9-195 and 15-35 and by adding Section 15-57 as follows:

(35 ILCS 200/9-195)

Sec. 9-195. Leasing of exempt property.

(a) Except as provided in Sections 15-35, 15-55, 15-57, 15-60, 15-100, 15-103, and 15-185, when property which is exempt from taxation is leased to another whose property is not exempt, and the leasing of which does not make the property taxable, the leasehold estate and the appurtenances shall be listed as the property of the lessee thereof, or his or her assignee. Taxes on that property shall be collected in the same manner as on property that is not exempt, and the lessee shall be liable for those taxes. However, no tax lien shall attach to the exempt real estate. The changes made by this amendatory Act of 1997 and by this amendatory Act of the 91st General Assembly are declaratory of existing law and shall not be construed as a new enactment. The changes made by Public Acts 88-221 and 88-420 that are incorporated into this Section by this amendatory Act of 1993 are declarative of existing law and are not a new enactment.

(b) The provisions of this Section regarding taxation of leasehold interests in exempt property do not apply to any leasehold interest created pursuant to any transaction described in subsection (e) of Section 15-35, item (a) of Section 15-35, Section 15-57, subsection (c-5) of Section 15-60, subsection (b) of Section 15-100, Section 15-103, or Section 15-185.

(Source: P.A. 92-844, eff. 8-23-02; 92-846, eff. 8-23-02; 93-19, eff. 6-20-03.)

(35 ILCS 200/15-35)

Sec. 15-35. Schools. All property donated by the United States for school purposes, and all property of schools, not sold or leased or otherwise used with a view to profit, is exempt, whether owned by a resident or non-resident of this State or by a corporation incorporated in any state of the United States. Also exempt is:

(a) property, along with the leasehold interest in that property, of schools which is leased to the State, a unit of local government, or school district ~~municipality~~ to be used for governmental ~~municipal~~ purposes on a not-for-profit basis;

(b) property of schools on which the schools are located and any other property of schools used by the schools exclusively for school purposes, including, but not limited to, student residence halls, dormitories and other housing facilities for students and their spouses and children, staff housing facilities, and school-owned and operated dormitory or residence halls occupied in whole or in part by students who belong to fraternities, sororities, or other campus organizations;

(c) property donated, granted, received or used for public school, college, theological seminary, university, or other educational purposes, whether held in trust or absolutely;

(d) in counties with more than 200,000 inhabitants which classify property, property (including interests in land and other facilities) on or adjacent to (even if separated by a public street, alley, sidewalk, parkway or other public way) the grounds of a school, if that property is used by an academic, research or professional society, institute, association or organization which serves the advancement of learning in a field or fields of study taught by the school and which property is not used with a view to profit;

(e) property owned by a school district. The exemption under this subsection is not affected by any transaction in which, for the purpose of obtaining financing, the school district, directly or indirectly, leases or otherwise transfers the property to another for which or whom property is not exempt and immediately after the lease or transfer enters into a leaseback or other agreement that directly or indirectly gives the school district a right to use, control, and possess the property. In the case of a conveyance of the property, the school district must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the school district.

(1) If the property has been conveyed as described in this subsection, the property is no longer exempt under this Section as of the date when:

(A) the right of the school district to use, control, and possess the property is terminated;

(B) the school district no longer has an option to purchase or otherwise acquire the property; and

(C) there is no provision for a reverter of the property to the school district within the limitations period for reverters.

(2) Pursuant to Sections 15-15 and 15-20 of this Code, the school district shall notify the chief county assessment officer of any transaction under this subsection. The chief county assessment officer shall determine initial and continuing compliance with the requirements of this

subsection for tax exemption. Failure to notify the chief county assessment officer of a transaction under this subsection or to otherwise comply with the requirements of Sections 15-15 and 15-20 of this Code shall, in the discretion of the chief county assessment officer, constitute cause to terminate the exemption, notwithstanding any other provision of this Code.

(3) No provision of this subsection shall be construed to affect the obligation of the school district to which an exemption certificate has been issued under this Section from its obligation under Section 15-10 of this Code to file an annual certificate of status or to notify the chief county assessment officer of transfers of interest or other changes in the status of the property as required by this Code.

(4) The changes made by this amendatory Act of the 91st General Assembly are declarative of existing law and shall not be construed as a new enactment; and

(f) in counties with more than 200,000 inhabitants which classify property, property of a corporation, which is an exempt entity under paragraph (3) of Section 501(c) of the Internal Revenue Code or its successor law, used by the corporation for the following purposes: (1) conducting continuing education for professional development of personnel in energy-related industries; (2) maintaining a library of energy technology information available to students and the public free of charge; and (3) conducting research in energy and environment, which research results could be ultimately accessible to persons involved in education.

(Source: P.A. 91-513, eff. 8-13-99; 91-578, eff. 8-14-99; 92-16, eff. 6-28-01.)

(35 ILCS 200/15-57 new)

Sec. 15-57. Government property leased to another government entity. If property is owned by the State, a unit of local government, or a school district and that property is leased to the State, a unit of local government, or a school district, then the property is exempt from taxation under this Code and the leasehold interest is exempt from taxation under this Code or under any other law. The provisions of this Section apply notwithstanding any other provision of law.

Section 90. The State Mandates Act is amended by adding Section 8.35 as follows:

(30 ILCS 805/8.35 new)

Sec. 8.35. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 96th General Assembly.

Section 95. Applicability. The changes made by this amendatory Act of the 96th General Assembly apply to taxable years 2010 and thereafter. In addition, the changes made by this amendatory Act of the 96th General Assembly also apply to taxable years prior to 2010, but no such taxes paid for any taxable year prior to 2010 need be refunded.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

The foregoing motion prevailed and Amendment No. 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 1410. Having been reproduced, was taken up and read by title a second time.

Representative Currie offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 1410 by replacing everything after the enacting clause with the following:

"Section 5. The State Officials and Employees Ethics Act is amended by changing Section 1-5 as follows:

(5 ILCS 430/1-5)

Sec. 1-5. Definitions. As used in this Act:

"Appointee" means a person appointed to a position in or with a State agency, regardless of whether the position is compensated.

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office

in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official State duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected State office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or general election.

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act.

"Commission" means an ethics commission created by this Act.

"Compensated time" means any time worked by or credited to a State employee that counts toward any minimum work time requirement imposed as a condition of employment with a State agency, but does not include any designated State holidays or any period when the employee is on a leave of absence.

"Compensatory time off" means authorized time off earned by or awarded to a State employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment with a State agency.

"Contribution" has the same meaning as that term is defined in Section 9-1.4 of the Election Code.

"Employee" means (i) any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed or (ii) any appointed or elected commissioner, trustee, director, or board member of a board of a State agency, including any retirement system or investment board subject to the Illinois Pension Code or (iii) any other appointee.

"Employment benefits" include but are not limited to the following: modified compensation or benefit terms; compensated time off; or change of title, job duties, or location of office or employment. An employment benefit may also include favorable treatment in determining whether to bring any disciplinary or similar action or favorable treatment during the course of any disciplinary or similar action or other performance review.

"Executive branch constitutional officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member, or officer. The value of a gift may be further defined by rules adopted by the appropriate ethics commission or by the Auditor General for the Auditor General and for employees of the office of the Auditor General.

"Governmental entity" means a unit of local government (including a community college district) or a school district but not a State agency.

"Leave of absence" means any period during which a State employee does not receive (i) compensation for State employment, (ii) service credit towards State pension benefits, and (iii) health insurance benefits paid for by the State.

"Legislative branch constitutional officer" means a member of the General Assembly and the Auditor General.

"Legislative leader" means the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

"Member" means a member of the General Assembly.

"Officer" means an executive branch constitutional officer or a legislative branch constitutional officer.

"Political" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official State duties or governmental and public service functions.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election, except to the extent that under subsection (d) of Section 6 of Article IV of the Illinois Constitution each house of the General Assembly shall judge the elections, returns, and qualifications of its members.

"Prohibited source" means any person or entity who:

(1) is seeking official action (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

(2) does business or seeks to do business (i) with the member or officer or (ii) in the case of an employee, with the employee or with the member, officer, State agency, or other employee directing the employee;

(3) conducts activities regulated (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the member, officer, or employee;

(5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or

(6) is an agent of, a spouse of, or an immediate family member who is living with a "prohibited source".

"State agency" includes all officers, boards, commissions and agencies created by the Constitution, whether in the executive or legislative branch; all officers, departments, boards, commissions, agencies, institutions, authorities, public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act (except community colleges), and bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government which are created by or pursuant to statute, other than units of local government (including community college districts) and their officers,

school districts, and boards of election commissioners; and all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor. "State agency" includes the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate Operations Commission, and the legislative support services agencies. "State agency" includes the Office of the Auditor General. "State agency" does not include the judicial branch.

"State employee" means any employee of a State agency.

"Ultimate jurisdictional authority" means the following:

(1) For members, legislative partisan staff, and legislative secretaries, the appropriate legislative leader: President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, or Minority Leader of the House of Representatives.

(2) For State employees who are professional staff or employees of the Senate and not covered under item (1), the Senate Operations Commission.

(3) For State employees who are professional staff or employees of the House of Representatives and not covered under item (1), the Speaker of the House of Representatives.

(4) For State employees who are employees of the legislative support services agencies, the Joint Committee on Legislative Support Services.

(5) For State employees of the Auditor General, the Auditor General.

(6) For State employees of public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act (except community colleges), the board of trustees of the appropriate public institution of higher learning.

(7) For State employees of an executive branch constitutional officer other than those described in paragraph (6), the appropriate executive branch constitutional officer.

(8) For State employees not under the jurisdiction of paragraph (1), (2), (3), (4), (5), (6), or (7), the Governor.

(Source: P.A. 95-880, eff. 8-19-08; 96-6, eff. 4-3-09; 96-555, eff. 8-18-09.)

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 1450. Having been reproduced, was taken up and read by title a second time.

Representative Franks offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 1450 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by changing Section 40-20 as follows:

(30 ILCS 500/40-20)

Sec. 40-20. Request for information.

(a) Conditions for use. Leases shall be procured by request for information except as otherwise provided in Section 40-15.

(b) Form. A request for information shall be issued and shall include:

(1) the type of property to be leased;

(2) the proposed uses of the property;

(3) the duration of the lease;

(4) the preferred location of the property; and

(5) a general description of the configuration desired.

(c) Public notice. Public notice of the request for information for the availability of real property to lease shall be published in the appropriate volume of the Illinois Procurement Bulletin at least 14 days before the date set forth in the request for receipt of responses and shall also be published in similar manner in a newspaper of general circulation in the community or communities where the using agency is seeking space.

(d) Response. The request for information response shall consist of written information sufficient to show that the respondent can meet minimum criteria set forth in the request. State purchasing officers may

enter into discussions with respondents for the purpose of clarifying State needs and the information supplied by the respondents. On the basis of the information supplied and discussions, if any, a State purchasing officer shall make a written determination identifying the responses that meet the minimum criteria set forth in the request for information. Negotiations shall be entered into with all qualified respondents for the purpose of securing a lease that is in the best interest of the State. A written report of the negotiations shall be retained in the lease files and shall include the reasons for the final selection. All leases shall be reduced to writing; one copy shall be filed with the Comptroller ~~and filed~~ in accordance with the provisions of Section 20-80 , and one copy shall be filed with the Board.

When the lowest response by price is not selected, the State purchasing officer shall forward to the chief procurement officer, along with the lease, notice of the identity of the lowest respondent by price and written reasons for the selection of a different response. The chief procurement officer shall publish the written reasons in the next volume of the Illinois Procurement Bulletin.

(e) Board review. Upon receipt of (1) any proposed lease of real property of 10,000 or more square feet or (2) any proposed lease of real property with annual rent payments of $100,000 or more, the Procurement Policy Board shall have 30 days to review the proposed lease. If the Board does not object in writing within 30 days, then the proposed lease shall become effective according to its terms as submitted. The leasing agency shall make any and all materials available to the Board to assist in the review process.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

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 1457. Having been reproduced, was taken up and read by title a second time.

Representative Currie offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 1457 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by changing Section 30-30 as follows:

(30 ILCS 500/30-30)

Sec. 30-30. Contracts in excess of $250,000. For building construction contracts in excess of $250,000, separate specifications shall be prepared for all equipment, labor, and materials in connection with the following 5 subdivisions of the work to be performed:

(1) plumbing;

(2) heating, piping, refrigeration, and automatic temperature control systems, including the testing and balancing of those systems;

(3) ventilating and distribution systems for conditioned air, including the testing and balancing of those systems;

(4) electric wiring; and

(5) general contract work.

The specifications must be so drawn as to permit separate and independent bidding upon each of the 5 subdivisions of work. All contracts awarded for any part thereof shall award the 5 subdivisions of work separately to responsible and reliable persons, firms, or corporations engaged in these classes of work. The contracts, at the discretion of the construction agency, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the construction agency before the bidding as the prime subdivision of work, provided that all payments will be made directly to the contractors for the 5 subdivisions of work upon compliance with the conditions of the contract. A contract may be let for one or more buildings in any project to the same contractor. The specifications shall require, however, that unless the buildings are identical, a separate price shall be submitted for each building. The contract may be awarded to the lowest responsible bidder for each or all of the buildings included in the specifications.

Until a date 4 years after January 1, 2009 (the effective date of Public Act 95-758), the requirements of this Section do not apply to a construction project for which the Capital Development Board is the construction agency if: (i) the project budget is at least $20,000,000; (ii) the Capital Development Board

has submitted to the Procurement Policy Board a written request for a public hearing on waiver of the application of the requirements of this Section to that project, including its reasons for seeking the waiver and why the waiver is in the best interest of the State; (iii) the Capital Development Board has posted notice of the waiver hearing on its procurement web page and on the online Procurement Bulletin at least 15 working days before the hearing; (iv) the Procurement Policy Board, after conducting the public hearing on the waiver request, reviews and approves the request in writing before the award of the contract; (v) the successful low bidder has prequalified with the Capital Development Board; (vi) the bid of the successful low bidder identifies the name of the subcontractor, if any, and the bid proposal costs for each of the 5 subdivisions of work set forth in this Section; and (vii) the contract entered into with the successful bidder provides that no identified subcontractor may be terminated without the written consent of the Capital Development Board. With respect to any construction project described in this paragraph, the Capital Development Board shall: (i) provide to the Auditor General an affidavit that the waiver of the application of the requirements of this Section is in the best interest of the State; (ii) specify in writing as a public record that the project shall comply with the disadvantaged business practices of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and the equal employment practices of Section 2-105 of the Illinois Human Rights Act; and (iii) report annually to the Governor and the General Assembly on the bidding, award, and performance. On and after January 1, 2009 (the effective date of Public Act 95-758), the Capital Development Board may award in each year contracts with an aggregate total value of no more than $100,000,000 with respect to construction projects described in this paragraph.

Until a date 11 ~~5~~ years after November 29, 2005 (the effective date of Public Act 94-699), the requirements of this Section do not apply to the Capitol Building HVAC upgrade project if (i) the bid of the successful bidder identifies the name of the subcontractor, if any, and the bid proposal costs for each of the 5 subdivisions of work set forth in this Section, and (ii) the contract entered into with the successful bidder provides that no identified subcontractor may be terminated without the written consent of the Capital Development Board.

(Source: P.A. 95-758, eff. 1-1-09; 96-1204, eff. 7-22-10.)

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 1422. Having been reproduced, was taken up and read by title a second time.

Representative Lang offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 1422 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Natural Resources Act is amended by adding Section 1-23 as follows: (20 ILCS 801/1-23 new)

Sec. 1-23. Joel D. Brunsvold Building. The Illinois Department of Natural Resources Building located at One Natural Resources Way in Springfield, Illinois shall be known as the Joel D. Brunsvold Building.

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 1444. Having been reproduced, was taken up and read by title a second time.

Representative Lang offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 1444 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-77 as follows:

(20 ILCS 2310/2310-77 new)

Sec. 2310-77. Chronic Disease Nutrition and Outcomes Advisory Commission.

(a) Subject to appropriation, the Chronic Disease Nutrition and Outcomes Advisory Commission is created to advise the Department on how best to incorporate nutrition as a chronic disease management strategy into State health policy to avoid Medicaid hospitalizations, and how to measure health care outcomes that will likely be required by new federal legislation.

(b) The Commission shall consist of all of the following members:

(1) One member of the Senate appointed by the President of the Senate and one member of the Senate appointed by the Minority Leader of the Senate.

(2) One member of the House of Representatives appointed by the Speaker of the House of Representatives and one member of the House of Representatives appointed by the Minority Leader of the House of Representatives.

(3) Five members appointed by the Governor as follows:

(A) One representative of a not-for-profit social service agency that provides clinical nutrition services to individuals with HIV/AIDS and other chronic diseases.

(B) One representative of a teaching medical hospital that collaborates with community social service providers.

(C) One representative of a social service agency that provides outreach, counseling, and housing for chronically ill individuals.

(D) One person who is a licensed physician with expertise in treating individuals with chronic illnesses, including heart disease, hypertension, and HIV/AIDS, among others.

(E) One representative of a not-for-profit community based agency that provides direct care, supportive services, and education related to chronic illnesses, including heart disease, hypertension, and HIV/AIDS, among others.

Each Commission member shall serve for a term of 3 years and until his or her successor is appointed. Vacancies shall be filled in the same manner as original appointments.

(c) The Commission shall meet to organize and select a chairperson upon appointment of a majority of the members. The chairperson shall be elected by a majority vote of the members appointed to the Commission. The Commission shall meet at least 4 times a year at the call of the chairperson. Members of the Commission shall serve without compensation, but may be reimbursed for reasonable expenses incurred as a result of their duties as members of the Commission from funds appropriated to the Department for that purpose.

(d) The Commission shall submit an annual report to the Department on or before July 1, 2011 and on or before July 1 of each year thereafter with its recommendations.

(e) The Department shall provide administrative and staff support to the Commission.

Section 99. Effective date. This Act takes effect January 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 1617. Having been reproduced, was taken up and read by title a second time.

Representative Mautino offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 1617 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Ottawa Port District Act.

Section 5. Definitions. As used in this Act, the following terms shall have the following meanings unless a different meaning clearly appears from the context:

"Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of, or flight in, the air.

"Airport" means any locality, either land or water, which is used or designed for the landing and taking

off of aircraft, or for the location of runways, landing fields, airdromes, hangars, buildings, structures, airport roadways, and other facilities.

"Airport hazard" means any structure, or object of natural growth, located on or in the vicinity of an airport, or any use of land near an airport which is hazardous to the use of that airport for the landing and take off of aircraft.

"Approach" means any path, course, or zone defined by an ordinance of the District or by other lawful regulation, on the ground or in the air, or both, for the use of aircraft in landing and taking off from an airport located within the District.

"Board" means the Ottawa Port District Board.

"Commercial aircraft" means any aircraft other than public aircraft engaged in the business of transporting persons or property.

"District" means the Ottawa Port District created by this Act.

"Export trading companies" means a person, partnership, association, public or private corporation, or similar organization, whether operated for profit or not-for-profit, which is organized and operated principally for purposes of exporting goods or services produced in the United States, importing goods or services produced in foreign countries, conducting third country trading, or facilitating such trade by providing one or more services in support of such trade.

"General obligation bond" means any bond issued by the District any part of the principal or interest of which bond is to be paid by taxation.

"Governmental agency" means the federal government, the State, and any unit of local government or school district, and any agency or instrumentality, corporate or otherwise, thereof.

"Governor" means the Governor of the State of Illinois.

"Mayor" means the Mayor of the City of Ottawa.

"Navigable waters" means any public waters which are or can be made usable for water commerce.

"Person" means any individual, firm, partnership, corporation, both domestic and foreign, company, association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

"Port facilities" means all public and other buildings, structures, works, improvements, and equipment, except terminal facilities as defined in this Section, that are upon, in, over, under, adjacent, or near to navigable waters, harbors, slips, and basins, and are necessary or useful for or incident to the furtherance of water and land commerce and the operation of small boats and pleasure craft and includes the widening and deepening of basins, slips, harbors, and navigable waters. "Port facilities" also means all lands, buildings, structures, improvements, equipment, and appliances located on District property that are used for industrial, manufacturing, commercial, or recreational purposes.

"Private aircraft" means any aircraft other than public and commercial aircraft.

"Public aircraft" means an aircraft used exclusively in the governmental service of the United States, or of any state or of any public agency, including military and naval aircraft.

"Public airport" means an airport owned by a District, an airport authority, or other public agency which is used or is intended for use by public, commercial, and private aircraft and by persons owning, managing, operating, or desiring to use, inspect, or repair any such aircraft or to use any such airport for aeronautical purposes.

"Public interest" means the protection, furtherance, and advancement of the general welfare and of public health and safety and public necessity and convenience in respect to aeronautics.

"Revenue bond" means any bond issued by the District the principal and interest of which bond is payable solely from revenues or income derived from terminal, terminal facilities, or port facilities of the District.

"Terminal" means a public place, station, or depot for receiving and delivering baggage, mail, freight, or express matter and for any combination of those purposes, in connection with the transportation of persons and property on water or land or in the air.

"Terminal facilities" means all land, buildings, structures, improvements, equipment, and appliances useful in the operation of public warehouse, storage, and transportation facilities for the accommodation of or in connection with commerce by water or land or in the air or useful as an aid, or constituting an advantage or convenience to, the safe landing, taking off, and navigation of aircraft, or the safe and efficient operation or maintenance of a public airport.

Section 10. Ottawa Port District. There is created a political subdivision, body politic, and municipal corporation by the name of the Ottawa Port District embracing the following described territory in LaSalle County, Illinois: the following sections in Township 34 North, Range 3 East of the Third Principal

Meridian: 25, 26, 34, 35 and 36; and the following sections in Township 33 North, Range 3 East of the Third Principal Meridian: 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24; and the following sections in Township 33 North, Range 4 East of the Third Principal Meridian: 4, 5, 6, 7, 8, 9, the southwest quarter of section10, the northwest quarter of section 15 and that portion of section 15 lying north of the Illinois River and South of the Illinois and Michigan Canal, 16, 17 and 18; and the following sections in Township 34 North Range 4 East of the Third Principal Meridian: 20, that portion of section 21 lying west of the Fox River, 28, 29, 30, 31, 32 and 33.

Section 15. Property of District; exemption. All property of every kind owned by the District shall be exempt from taxation. However, a tax may be levied upon a lessee of the District by reason of the value of a leasehold estate separate and apart from the fee simple title or upon any improvements that are constructed and owned by others than the District.

All property of the District shall be public grounds owned by a municipal corporation and used exclusively for public purposes within the tax exemption provisions of Sections 15-10, 15-15, 15-20, 15-30, 15-75, 15-140, 15-155, and 15-160 of the Property Tax Code.

Section 20. Rights and powers. The District has the following rights and powers:

(1) To issue permits for the following purposes: (i) the construction of all wharves, piers, dolphins, booms, weirs, breakwaters, bulkheads, jetties, bridges, or other structures of any kind, over, under, in, or within 40 feet of any navigable waters within the District and (ii) the deposit of rock, earth, sand, or other material, or any matter of any kind or description in the waters.

(2) To prevent or remove obstructions in navigable waters, including the removal of wrecks.

(3) To locate and establish dock lines and shore or harbor lines.

(4) To regulate the anchorage, moorage, and speed of water borne vessels and to establish and enforce regulations for the operation of bridges.

(5) To acquire, own, construct, lease, operate, and maintain terminals, terminal facilities, and port facilities, and to fix and collect just, reasonable, and nondiscriminatory charges for the use of those facilities. The charges so collected shall be used to defray the reasonable expenses of the District and to pay the principal of and interest on any revenue bonds issued by the District.

(6) To locate, establish, and maintain a public airport, public airports, and public airport facilities within its corporate limits or within or upon any body of water adjacent thereto, and to construct, develop, expand, extend, and improve any such airport or airport facility.

(7) To operate, maintain, manage, lease, sublease, and to make and enter into contracts for the use, operation, or management of, and to provide rules and regulations for, the operation, management, or use of, any public airport or public airport facility.

(8) To fix, charge, and collect reasonable rentals, tolls, fees, and charges for the use of any public airport, or any part thereof, or any public airport facility.

(9) To establish, maintain, extend, and improve roadways and approaches by land, water, or air to any airport and to contract or otherwise provide, by condemnation if necessary, for the removal of any airport hazard or the removal or relocation of all private structures, railways, mains, pipes, conduits, wires, poles, and all other facilities and equipment which may interfere with the location, expansion, development, or improvement of airports or with the safe approach thereto or takeoff therefrom by aircraft, and to pay the cost of removal or relocation; and, subject to the Airport Zoning Act, to adopt, administer, and enforce airport zoning regulations for territory which is within its corporate limits or which extends not more than 2 miles beyond its corporate limits.

(10) To restrict the height of any object of natural growth or structure within the vicinity of any airport or within the lines of an approach to any airport and, if necessary, for the reduction in the height of any such existing object or structure, to enter into an agreement for the reduction or to accomplish the same by condemnation.

(11) To agree with the State or federal government or with any public agency in respect to the removal and relocation of any object of natural growth, airport hazard, or structure or building within the vicinity of any airport or within an approach and which is owned or within the control of such government or agency and to pay all or an agreed portion of the cost of the removal or relocation.

(12) To regulate and restrict the flight of aircraft while within or above the District for the following purposes: (i) the prevention of accidents; (ii) the furtherance and protection of public health, safety, and convenience in respect to aeronautics; (iii) the protection of property and persons within the District from any hazard or nuisance resulting from the flight of aircraft; (iv) the prevention of interference between, or collision of, aircraft while in flight or upon the ground; (v) the prevention or abatement of nuisances in the air or upon the ground; or (vi) the extension of increase in the usefulness or safety of any public airport or

public airport facility owned by the District.

(13) To police its physical property only and all waterways and to exercise police powers in respect thereto or in respect to the enforcement of any rule or regulation provided by the ordinances of the District and to employ and commission police officers and other qualified persons to enforce the same. The use of any public airport or public airport facility of the District shall be subject to the reasonable regulation and control of the District and upon such reasonable terms and conditions established by its Board. A regulatory ordinance of the District adopted under any provisions of this Section may provide for a suspension or revocation of any rights or privileges within the control of the District for a violation of any such regulatory ordinance. Nothing in this Section or in other provisions of this Act shall be construed to authorize the Board to establish or enforce any regulation or rule in respect to aviation, or the operation or maintenance of any airport facility within its jurisdiction, which is in conflict with any federal or State law or regulation applicable to the same subject matter.

(14) To enter into agreements with the corporate authorities or governing body of any other municipal corporation or any political subdivision of this State to pay the reasonable expense of services furnished by the municipal corporation or political subdivision for or on account of income producing properties of the District.

(15) To enter into contracts dealing in any manner with the objects and purposes of this Act.

(16) To acquire, own, lease, sell, or otherwise dispose of interests in and to real property and improvements situated thereon and in personal property necessary to fulfill the purposes of the District.

(17) To designate the fiscal year for the District.

(18) To engage in any activity or operation which is incidental to and in furtherance of efficient operation to accomplish the District's primary purpose.

(19) To build, construct, repair, and maintain levees.

(20) To sue and be sued in its corporate name but execution shall not in any case issue against any property of the District.

(21) To adopt a common seal and change the same at pleasure.

(22) To annex property as set forth in this Act.

Section 25. Prompt payment. Purchases made pursuant to this Act shall be made in compliance with the Local Government Prompt Payment Act.

Section 30. Acquisition of property. The District has the power to acquire and accept by purchase, lease, gift, grant, or otherwise any property and rights useful for its purposes and to provide for the development of channels, ports, harbors, airports, airfields, terminals, port facilities, and terminal facilities adequate to serve the needs of commerce within the District. The District may acquire real or personal property or any rights therein in the manner, as near as may be, as is provided for the exercise of the right of eminent domain under the Eminent Domain Act; except that no rights or property of any kind or character now or hereafter owned, leased, controlled, or operated and used by, or necessary for the actual operations of, any common carrier engaged in interstate commerce, or of any other public utility subject to the jurisdiction of the Illinois Commerce Commission, shall be taken or appropriated by the District without first obtaining the approval of the Illinois Commerce Commission. Notwithstanding any provision of this Act to the contrary, the District has the full power and authority to lease any of its facilities for operation and maintenance to any person for a length of time and upon terms as the District shall deem necessary.

Also, the District may lease to others for any period of time, not to exceed 99 years, upon terms as its Board may determine, any of its real property, rights-of-way, or privileges, or any interest therein, or any part thereof, for industrial, manufacturing, commercial, or harbor purposes, which is in the opinion of the Board no longer required for its primary purposes in the development of port and harbor facilities for the use of public transportation, or which may not be immediately needed for those purposes, but where such leases will in the opinion of the Board aid and promote those purposes, and in conjunction with such leases, the District may grant rights-of-way and privileges across the property of the District, which rights-of-way and privileges may be assignable and irrevocable during the term of any such lease and may include the right to enter upon the property of the District to do things as may be necessary for the enjoyment of such leases, rights-of-way, and privileges, and such leases may contain conditions and retain interest therein as may be deemed for the best interest of the District by the Board.

Also, the District shall have the right to grant easements and permits for the use of any real property, rights-of-way, or privileges which in the opinion of the Board will not interfere with the use thereof by the District for its primary purposes and such easements and permits may contain conditions and retain interest therein as may be deemed for the best interest of the District by the Board.

With respect to any and all leases, easements, rights-of-way, privileges, and permits made or granted by

the Board, the Board may agree upon and collect the rentals, charges, and fees that may be deemed for the best interest of the District. The rentals, charges, and fees shall be used to defray the reasonable expenses of the District and to pay the principal of and interest on any revenue bonds issued by the District.

Section 35. Eminent domain. Notwithstanding any other provision of this Act, any power granted under this Act to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act.

Section 40. Export trading companies. The District is authorized and empowered to establish, organize, own, acquire, participate in, operate, sell, and transfer export trading companies, whether as shareholder, partner, or co-venturer, alone or in cooperation with the federal, state, or local governmental authorities, federal, state, or national banking associations, or any other public or private corporation or person. Export trading companies and all of the property thereof, wholly or partly owned, directly or indirectly, by the District, shall have the same privileges and immunities as accorded to the District; and export trading companies may borrow money or obtain financial assistance from private lenders or federal and state governmental authorities or issue general obligation and revenue bonds with the same kinds of security, and in accordance with the same procedures, restrictions, and privileges applicable when the District obtains financial assistance or issues bonds for any of its other authorized purposes. Export trading companies may, if necessary or desirable, apply for certification under Title II or Title III of the Export Trading Company Act of 1982.

Section 45. Grants, loans, and appropriations. The District has the power to apply for and accept grants, loans, or appropriations from the federal government or any agency or instrumentality thereof to be used for any of the purposes of the District and to enter into agreements with the federal government in relation to those grants, loans, or appropriations.

The District may petition the administrative, judicial, and legislative body of any federal, state, municipal, or local authority having jurisdiction in the premises, for the adoption and execution of any physical improvement, change in method or system of handling freight, warehousing, docking, lightering, and transfer of freight, which in the opinion of the District is designed to improve the handling of commerce in and through the District or improve terminal or transportation facilities therein.

Section 50. Insurance contracts. The District has the power to procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employers' liability, against any act of any member, officer, or employee of the District in the performance of the duties of his or her office or employment, or any other insurable risk.

Section 55. Rentals, charges, and fees. With respect to any and all leases, easements, rights-of-way, privileges, and permits made or granted by the Board, the Board may agree upon and collect the rentals, charges, and fees that are deemed to be in the best interest of the District. Those rentals, charges, and fees must be used to defray the reasonable expenses of the District and to pay the principal and interest upon any revenue bonds issued by the District.

Section 60. Borrowing money. The District has the continuing power to borrow money and issue either general obligation bonds after approval by referendum as provided in this Act or revenue bonds without referendum approval for the purpose of acquiring, constructing, reconstructing, extending, or improving terminals, terminal facilities, airfields, airports, and port facilities, and for acquiring any property and equipment useful for the construction, reconstruction, extension, improvement, or operation of its terminals, terminal facilities, airfields, airports, and port facilities, and for acquiring necessary cash working funds.

The District may pursuant to ordinance adopted by the Board and without submitting the question to referendum from time to time issue and dispose of its interest bearing revenue bonds and may also in the same manner from time to time issue and dispose of its interest bearing revenue bonds to refund any revenue bonds at maturity or pursuant to redemption provisions or at any time before maturity with the consent of the holders thereof.

If the Board desires to issue general obligation bonds it shall adopt an ordinance specifying the amount of bonds to be issued, the purpose for which they will be issued, and the maximum rate of interest they will bear which shall not be more than that permitted in the Bond Authorization Act. The interest may be paid semiannually. The ordinance shall also specify the date of maturity which shall not be more than 20 years after the date of issuance and shall levy a tax sufficient to amortize the bonds. This ordinance shall not be effective until it has been submitted to referendum of, and approved by, the legal voters of the District. The Board shall certify the ordinance and the proposition to the proper election officials, who shall submit the proposition to the voters at an election in accordance with the general election law. If a majority of the vote

on the proposition is in favor of the issuance of the general obligation bonds, the county clerk shall annually extend taxes against all taxable property within the District at a rate sufficient to pay the maturing principal and interest of these bonds.

The proposition shall be in substantially the following form:

Shall general obligation bonds in the amount of (dollars) be issued by the Ottawa Port District for the (purpose) maturing in no more than (years), bearing not more than (interest)%, and a tax levied to pay the principal and interest thereof?

The election authority must record the votes as "Yes" or "No".

Section 65. Revenue bonds. All revenue bonds shall be payable solely from the revenues or income to be derived from the terminals, terminal facilities, airfields, airports, or port facilities or any part thereof. The bonds may bear any date or dates and may mature at any time or times not exceeding 40 years from their respective dates, all as may be provided in the ordinance authorizing their issuance. All bonds, whether revenue or general obligation, may bear interest at any rate or rates as permitted in the Bond Authorization Act. The interest may be paid semiannually. The bonds may be in any form, may carry any registration privileges, may be executed in any manner, may be payable at any place or places, may be made subject to redemption in any manner and upon any terms, with or without premium as is stated on the face thereof, may be authenticated in any manner and may contain any terms and covenants, all as may be provided in the ordinance authorizing issuance. The holder or holders of any bonds or interest coupons appertaining thereto issued by the District may bring civil actions to compel the performance and observance by the District or any of its officers, agents, or employees of any contract or covenant made by the District with the holders of such bonds or interest coupons and to compel the District and any of its officers, agents, or employees to perform any duties required to be performed for the benefit of the holders of any such bonds or interest coupons by the provision in the ordinance authorizing their issuance, and to enjoin the District and any of its officers, agents, or employees from taking any action in conflict with any such contract or covenant, including the establishment of charges, fees, and rates for the use of facilities as provided in this Act.

Notwithstanding the form and tenor of any bond, whether revenue or general obligation, and in the absence of any express recital on the face thereof that it is nonnegotiable, all bonds shall be negotiable instruments. Pending the preparation and execution of any such bonds, temporary bonds may be issued with or without interest coupons as may be provided by ordinance.

Section 70. Issuing bonds. All bonds, whether general obligation or revenue, shall be issued and sold by the Board in any manner as the Board shall determine. However, if any bonds are issued to bear interest at the maximum rate of interest allowed by Section 60 or 65, whichever may be applicable, the bonds shall be sold for not less than par and accrued interest. The selling price of bonds bearing interest at a rate less than the maximum allowable interest rate per annum shall be such that the interest cost to the District of the money received from the bond sale shall not exceed the maximum annual interest rate allowed by Section 60 or 65, whichever may be applicable, computed to absolute maturity of such bonds according to standard tables of bond values.

Section 75. Rates and charges for facilities. Upon the issue of any revenue bonds as provided in this Act, the Board shall fix and establish rates, charges, and fees for the use of facilities acquired, constructed, reconstructed, extended, or improved with the proceeds derived from the sale of those revenue bonds sufficient at all times with other revenues of the District, if any, to pay the following: (i) the cost of maintaining, repairing, regulating, and operating the facilities and (ii) the bonds and interest thereon as they become due, all sinking fund requirements, and other requirements provided by the ordinance authorizing the issuance of the bonds or as provided by any trust agreement executed to secure payment thereof.

To secure the payment of any or all revenue bonds and for the purpose of setting forth the covenants and undertaking of the District in connection with the issuance of revenue bonds and the issuance of any additional revenue bonds payable from the revenue income to be derived from the terminals, terminal facilities, airports, airfields, and port facilities, the District may execute and deliver a trust agreement or agreements except that no lien upon any physical property of the District shall be created thereby. A remedy for any breach or default of the terms of any such trust agreement by the District may be by mandamus proceedings in the circuit court to compel performance and compliance therewith, but the trust agreement may prescribe by whom or on whose behalf the action may be instituted.

Section 80. Bonds not obligations of the State or district. Under no circumstances shall any bonds issued by the District or any other obligation of the District be or become an indebtedness or obligation of the State of Illinois or of any other political subdivision of or municipality within the State.

No revenue bond shall be or become an indebtedness of the District within the purview of any

constitutional limitation or provision, and it shall be plainly stated on the face of each revenue bond that it does not constitute such an indebtedness, or obligation but is payable solely from the revenues or income derived from terminals, terminal facilities, airports, airfields, and port facilities.

Section 85. Tax levy. The Board may, after referendum approval, levy a tax for corporate purposes of the District annually at the rate approved by referendum, but the rate shall not exceed 0.05% of the value of all taxable property within the District as equalized or assessed by the Department of Revenue. If the Board desires to levy the tax it shall order that the question be submitted at an election to be held within the District. The Board shall certify its order and the question to the proper election officials, who shall submit the question to the voters at an election in accordance with the general election law. The Board shall cause the result of the election to be entered upon the records of the District. If a majority of the vote on the question is in favor of the proposition, the Board may annually thereafter levy a tax for corporate purposes at a rate not to exceed that approved by referendum but in no event to exceed 0.05% of the value of all taxable property within the District as equalized or assessed by the Department of Revenue.

The question shall be in substantially the following form:

Shall the Ottawa Port District levy a tax for corporate purposes annually at a rate not to exceed 0.05% of the value of taxable property as equalized or assessed by the Department of Revenue?

The election authority shall record the votes as "Yes" or "No".

Section 90. Permits. It is unlawful to make any fill or deposit of rock, earth, sand, or other material, or any refuse matter of any kind or description, or build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, bridge, or other structure over, under, or within 40 feet of any navigable waters within the District without first submitting the plans, profiles, and specifications therefor, and any other data and information as may be required, to the District and receiving a permit therefor; and any person, corporation, company, municipality, or other agency, that does any of the things prohibited in this Section, without securing a permit, shall be guilty of a Class A misdemeanor. No permit shall be required in the case of any project for which a permit has been secured from a proper governmental agency before the creation of the District nor shall any permit be required in the case of any project to be undertaken by one or more municipalities located within the District for which a permit is required from a governmental agency other than the District before the municipality can proceed with the project. And in such event, one or more of the municipalities shall give at least 10 days' notice to the District of the application for a permit for any such project from a governmental agency other than the District so that the District may be present and represent its position relative to the application before the other governmental agency. Any structure, fill, or deposit erected or made in any of the public bodies of water within the District, in violation of the provisions of this Section, is a purpresture and may be abated as such at the expense of the person, corporation, company, municipality, or other agency responsible therefor, or if, in the discretion of the District, it is decided that the structure, fill, or deposit may remain, the District may fix such rule, regulation, requirement, restriction, or rental or require and compel any change, modification, or repair as shall be necessary to protect the interest of the District.

Section 95. Board members. The governing and administrative body of the District shall be a Board consisting of 7 members, to be known as the Ottawa Port District Board. All members of the Board shall be residents of the District. The members of the Board shall serve without compensation but shall be reimbursed for actual expenses incurred by them in the performance of their duties. However, any member of the Board who is appointed to the office of secretary or treasurer may receive compensation for his or her services as such officer. No member of the Board or employee of the District shall have any private financial interest, profit, or benefit in any contract, work, or business of the District nor in the sale or lease of any property to or from the District.

Section 100. Board appointments; terms. The Governor shall appoint 4 members of the Board and the Mayor shall appoint 3 members of the Board. All initial appointments shall be made within 60 days after this Act takes effect. Of the 4 members initially appointed by the Governor, 2 shall be appointed for initial terms expiring January 1, 2017, one for an initial term expiring January 1, 2013, and one for an initial term expiring January 1, 2012. Of the 3 members initially appointed by the Mayor, one shall be appointed for an initial term expiring January 1, 2017, one for an initial term expiring January 1, 2013, and one for an initial term expiring January 1, 2012. At the expiration of the term of any member, his or her successor shall be appointed by the Governor or the Mayor, respectively, as in the case of appointments for the initial terms.

After the expiration of initial terms, each successor shall hold office for a term of 3 years beginning the first day of January of the year in which the term of office commences. In the case of a vacancy during the term of office of any member appointed by the Governor, the Governor shall make an appointment for the

remainder of the term vacant and until a successor is appointed and qualified. In case of a vacancy during the term of office of any member appointed by the Mayor, the Mayor shall make an appointment for the remainder of the term vacant and until a successor is appointed and qualified. The Governor and Mayor shall certify their respective appointments to the Secretary of State. Within 30 days after certification of his or her appointment, and before entering upon the duties of his or her office, each member of the Board shall take and subscribe the constitutional oath of office and file it in the office of the Secretary of State.

Section 105. Resignation and removal of Board members. Members of the Board shall hold office until their respective successors have been appointed and qualified. Any member may resign from his or her office to take effect when his or her successor has been appointed and has qualified. The Governor and Mayor, respectively, may remove any member of the Board they have appointed in the case of incompetency, neglect of duty, or malfeasance in office. They shall give the member a copy of the charges against him or her and an opportunity to be publicly heard in person or by counsel in his or her own defense upon not less than 10 days' notice. In the case of failure to qualify within the time required, or of abandonment of his or her office, or in the case of death, conviction of a felony, or removal from office, the office of the member shall become vacant. Each vacancy shall be filled for the unexpired term by appointment in like manner as in case of expiration of the term of a member of the Board.

Section 110. Organization of the Board. As soon as possible after the appointment of the initial members, the Board shall organize for the transaction of business, select a chairperson and a temporary secretary from its own number, and adopt bylaws and regulations to govern its proceedings. The initial chairperson and successors shall be elected by the Board from time to time for the term of his or her office as a member of the Board.

Section 115. Meetings; quorum; approval by chairperson. Regular meetings of the Board shall be held at least once in each calendar month, the time and place of the meetings to be fixed by the Board. Four members of the Board shall constitute a quorum for the transaction of business. All action of the Board shall be by ordinance or resolution and the affirmative vote of at least 4 members shall be necessary for the adoption of any ordinance or resolution. Before taking effect, all ordinances and resolutions shall be approved by the chairperson of the Board by signing the ordinance or resolution. If the chairperson does not approve of the ordinance or resolution, then the chairperson shall return it to the Board with written objections at the next regular meeting of the Board after the passage of the ordinance or resolution. If the chairperson fails to return any ordinance or resolution with his or her objections by the time set forth in this Section, then the chairperson shall be deemed to have approved the ordinance or resolution and it shall take effect accordingly. Upon the return of any ordinance or resolution by the chairperson with his or her objections, the vote by which the same was passed shall be reconsidered by the Board, and if upon reconsideration the ordinance or resolution is passed by the affirmative vote of at least 5 members, it shall go into effect notwithstanding the veto of the chairperson.

All ordinances, resolutions, and proceedings of the District and all documents and records in its possession shall be public records, and open to public inspection, except for documents and records as are kept or prepared by the Board for use in negotiations, legal actions, or proceedings to which the District is a party.

Section 120. Secretary and treasurer; oath and bond. The Board shall appoint a secretary and a treasurer, who need not be members of the Board, to hold office during the pleasure of the Board, and fix their duties and compensation. The secretary and treasurer shall be residents of the District. Before entering upon the duties of their respective offices, they shall take and subscribe the constitutional oath of office, and the treasurer shall execute a bond with corporate sureties to be approved by the Board. The bond shall be payable to the District in whatever penal sum may be directed by the Board conditioned upon the faithful performance of the duties of the office and the payment of all money received by him or her according to law and the orders of the Board. The Board may, at any time, require a new bond from the treasurer in any penal sum as may then be determined by the Board. The obligation of the sureties shall not extend to any loss sustained by the insolvency, failure, or closing of any savings and loan association or national or State bank wherein the treasurer has deposited funds if the bank or savings and loan association has been approved by the Board as a depositary for these funds. The oaths of office and the treasurer's bond shall be filed in the principal office of the District.

Section 125. Deposits; checks or drafts. All funds deposited by the treasurer in any bank or savings and loan association shall be placed in the name of the District and shall be withdrawn or paid out only by check or draft upon the bank or savings and loan association, signed by the treasurer and countersigned by the chairperson of the Board. Subject to prior approval of the designations by a majority of the Board, the chairperson may designate any other Board member or any officer of the District to affix the signature of

the chairperson and the treasurer may designate any other officer of the District to affix the signature of the treasurer to any check or draft for payment of salaries or wages and for payment of any other obligation of not more than $2,500.

No bank or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established pursuant to Section 6 of the Public Funds Investment Act.

In the case any officer whose signature appears upon any check or draft issued pursuant to this Act, ceases to hold his or her office before the delivery thereof to the payee, his or her signature nevertheless shall be valid and sufficient for all purposes with the same effect as if he or she had remained in office until delivery thereof.

Section 130. General manager. The Board may appoint a general manager who shall be a person of recognized ability and business experience to hold office during the pleasure of the Board. The general manager shall manage the properties and business of the District and the employees thereof subject to the general control of the Board, shall direct the enforcement of all ordinances, resolutions, rules, and regulations of the Board, and shall perform any other duties prescribed by the Board. The Board may appoint a general attorney and a chief engineer, and shall provide for the appointment of other officers, attorneys, engineers, consultants, agents, and employees as may be necessary. The Board shall define their duties and may require bonds of such of them as the Board may designate. The general manager, general attorney, chief engineer, and all other officers provided for pursuant to this Section shall be exempt from taking and subscribing any oath of office and shall not be members of the Board. The compensation of the general manager, general attorney, chief engineer, and all other officers, attorneys, consultants, agents, and employees shall be fixed by the Board.

Section 135. Fines and penalties. The Board has the power to pass all ordinances and make all rules and regulations proper or necessary, and to carry into effect the powers granted to the District, with such fines or penalties as may be deemed proper. All fines and penalties shall be imposed by ordinances, which shall be published in a newspaper of general circulation in the area embraced by the District. No ordinance shall take effect until 10 days after its publication.

Section 140. Report and financial statement. Within 60 days after the end of each fiscal year, the Board shall prepare and print a complete and detailed report and financial statement of the operations, assets, and liabilities of the District. A reasonably sufficient number of copies of the report shall be printed for distribution to persons interested, upon request, and a copy of the report shall be filed with the Governor, the county clerk, and the presiding officer of the county board of LaSalle County. A copy of the report shall be mailed to the corporate authorities of each municipality located within the District.

Section 145. Investigations. The Board may investigate conditions in which it has an interest within the boundaries of the District, the enforcement of its ordinances, rules, and regulations, and the action, conduct, and efficiency of all officers, agents, and employees of the District. In the conduct of such investigations, the Board may hold public hearings on its own motion, and shall do so on complaint of any municipality within the District. Each member of the Board has the power to administer oaths, and the secretary, by order of the Board, shall issue subpoenas to secure the attendance and testimony of witnesses and the production of books and papers relevant to any investigation or to any hearing before the Board or any member thereof.

Any circuit court of this State, upon application of the Board, or any member thereof, may in its discretion compel the attendance of witnesses, the production of books and papers, and the giving of testimony before the Board or before any member thereof or any officers' committee appointed by the Board, by attachment for contempt or otherwise in the same manner as the production of evidence may be compelled before the court.

Section 150. Administrative Review Law. All final administrative decisions of the Board shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Section 155. Records. In the conduct of any investigation authorized by Section 145, the District shall, at its expense, provide a stenographer to take down all testimony and shall preserve a record of the proceedings. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, and the orders or decision of the Board constitutes the record of the proceedings.

The District is not required to certify any record or file any answer or otherwise appear in any proceeding for judicial review of an administrative decision unless the party asking for review deposits with the clerk of the court the sum of 75 cents per page of the record representing the costs of certification.

Failure to make the deposit is grounds for dismissal of the action.

Section 160. Annexation. Territory which is contiguous to the District and which is not included within any other port district may be annexed to and become a part of the District in the manner provided in Section 165 or 170, whichever may be applicable.

Section 165. Petition for annexation. At least 5% of the legal voters resident within the limits of the proposed addition to the District may petition the circuit court for the county in which the major part of the District is situated, to cause the question to be submitted to the legal voters of the proposed additional territory, whether the proposed additional territory shall become a part of the District and assume a proportionate share of the general obligation bonded indebtedness, if any, of the District. The petition shall be addressed to the court and shall contain a definite description of the boundaries of the territory to be embraced in the proposed addition.

Upon filing any petition with the clerk of the court, the court shall fix a time and place for a hearing upon the subject of the petition.

Notice shall be given by the court to whom the petition is addressed, or by the circuit clerk or sheriff of the county in which the petition is made at the order and direction of the court, of the time and place of the hearing upon the subject of the petition at least 20 days before the hearing by at least one publication of the notice in any newspaper of general circulation within the area proposed to be annexed, and by mailing a copy of the notice to the mayor or president of the corporate authorities of all of the municipalities located within the District.

At the hearing, all persons residing in or owning property located within the area proposed to be annexed to the District may appear and be heard concerning the sufficiency of the petition. If the court finds that the petition does not comply with the requirements of the law, then the court shall dismiss the petition. If the court finds that the petition is sufficient, then the court shall certify the proposition to the proper election officials, who shall submit the proposition to the voters at an election in accordance with the general election law. In addition to the requirements of the general election law, the notice of the referendum shall specify the purpose of the referendum with a description of the area proposed to be annexed to the District.

The proposition shall be in substantially the following form:

Shall (description of the territory proposed to be annexed) join the Ottawa Port District?

The votes shall be recorded as "Yes" or "No".

The court shall cause a statement of the result of the referendum to be filed in the records of the court.

If a majority of the votes cast upon the question of annexation to the District are in favor of becoming a part of the District, the court shall then enter an order stating that the additional territory shall thenceforth be an integral part of the Ottawa Port District and subject to all of the benefits of service and responsibilities of the District. The circuit clerk shall transmit a certified copy of the order to the circuit clerk of any other county in which any of the territory affected is situated.

Section 170. Annexation of territory having no legal voters. If there is territory contiguous to the District that has no legal voters residing therein, a petition to annex the territory, signed by all the owners of record of the territory, may be filed with the circuit court for the county in which the major part of the District is situated. A time and place for a hearing on the subject of the petition shall be fixed and notice shall be given in the manner provided in Section 165. At the hearing, any owner of land in the territory proposed to be annexed, the District, and any resident of the District may appear and be heard touching on the sufficiency of the petition. If the court finds that the petition satisfies the requirements of this Section, it shall enter an order stating that thenceforth the territory shall be an integral part of the Ottawa Port District and subject to all of the benefits of service and responsibilities, including the assumption of a proportionate share of the general obligation bonded indebtedness, if any, of the District. The circuit clerk shall transmit a certified copy of the order of the court to the circuit clerk of any other county in which the annexed territory is situated.

Section 175. Non-applicability. The provisions of the Illinois Municipal Code, the Airport Authorities Act, and the General County Airport and Landing Field Act, shall not be effective within the area of the District insofar as the provisions of those Acts conflict with the provisions of this Act or grant substantially the same powers to any municipal corporation or political subdivision as are granted to the District by this Act.

The provisions of this Act shall not be considered as impairing, altering, modifying, repealing, or superseding any of the jurisdiction or powers of the Illinois Commerce Commission or of the Department of Natural Resources under the Rivers, Lakes, and Streams Act. Nothing in this Act or done under its authority shall apply to, restrict, limit, or interfere with the use of any terminal facility or port facility

owned or operated by a private person for the storage, handling, or transfer of any commodity moving in interstate commerce or the use of the land and facilities of a common carrier or other public utility and the space above such land and facilities in the business of such common carrier or other public utility, without approval of the Illinois Commerce Commission and without the payment of just compensation to any such common carrier or other public utility for damages resulting from any such restriction, limitation, or interference.

Section 180. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 185. The Eminent Domain Act is amended by adding Section 15-5-46 as follows:

(735 ILCS 30/15-5-46 new)

Sec. 15-5-46. Eminent domain powers in new Acts. The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

Ottawa Port District Act; Ottawa Port District; for general purposes.

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

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

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

HOUSE BILL 1716. Having been reproduced, was taken up and read by title a second time.

Representative Currie offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 1716 by replacing everything after the enacting clause with the following:

"Section 5. The Nursing Home Care Act is amended by changing Sections 3-103 and 3-202.05 as follows:

(210 ILCS 45/3-103) (from Ch. 111 1/2, par. 4153-103)

Sec. 3-103. The procedure for obtaining a valid license shall be as follows:

(1) Application to operate a facility shall be made to the Department on forms furnished by the Department.

(2) All license applications shall be accompanied with an application fee. The fee for an annual license shall be $1,990. Facilities that pay a fee or assessment pursuant to Article V-C of the Illinois Public Aid Code shall be exempt from the license fee imposed under this item (2). The fee for a 2-year license shall be double the fee for the annual license ~~set forth in the preceding sentence~~. The fees collected shall be deposited with the State Treasurer into the Long Term Care Monitor/Receiver Fund, which has been created as a special fund in the State treasury. This special fund is to be used by the Department for expenses related to the appointment of monitors and receivers as contained in Sections 3-501 through 3-517 of this Act, for the enforcement of this Act, and for implementation of the Abuse Prevention Review Team Act. The Department may reduce or waive a penalty pursuant to Section 3-308 only if that action will not threaten the ability of the Department to meet the expenses required to be met by the Long Term Care Monitor/Receiver Fund. At the end of each fiscal year, any funds in excess of $1,000,000 held in the Long Term Care Monitor/Receiver Fund shall be deposited in the State's General Revenue Fund. The application shall be under oath and the submission of false or misleading information shall be a Class A misdemeanor. The application shall contain the following information:

(a) The name and address of the applicant if an individual, and if a firm, partnership, or association, of every member thereof, and in the case of a corporation, the name and address thereof and of its officers and its registered agent, and in the case of a unit of local government, the name and address of its chief executive officer;

(b) The name and location of the facility for which a license is sought;

(c) The name of the person or persons under whose management or supervision the facility will be conducted;

(d) The number and type of residents for which maintenance, personal care, or nursing is to be provided; and

(e) Such information relating to the number, experience, and training of the employees of the facility, any management agreements for the operation of the facility, and of the

moral character of the applicant and employees as the Department may deem necessary.

(3) Each initial application shall be accompanied by a financial statement setting forth the financial condition of the applicant and by a statement from the unit of local government having zoning jurisdiction over the facility's location stating that the location of the facility is not in violation of a zoning ordinance. An initial application for a new facility shall be accompanied by a permit as required by the "Illinois Health Facilities Planning Act". After the application is approved, the applicant shall advise the Department every 6 months of any changes in the information originally provided in the application.

(4) Other information necessary to determine the identity and qualifications of an applicant to operate a facility in accordance with this Act shall be included in the application as required by the Department in regulations.

(Source: P.A. 96-758, eff. 8-25-09; 96-1372, eff. 7-29-10.)

(210 ILCS 45/3-202.05)

Sec. 3-202.05. Staffing ratios effective July 1, 2010 and thereafter.

(a) For the purpose of computing staff to resident ratios, direct care staff shall include:

(1) registered nurses;

(2) licensed practical nurses;

(3) certified nurse assistants;

(4) psychiatric services rehabilitation aides;

(5) rehabilitation and therapy aides;

(6) psychiatric services rehabilitation coordinators;

(7) assistant directors of nursing;

(8) 50% of the Director of Nurses' time; and

(9) 30% of the Social Services Directors' time.

The Department shall, by rule, allow certain facilities subject to 77 Ill. Admin. Code 300.4000 and following (Subpart S) and 300.6000 and following (Subpart T) to utilize specialized clinical staff, as defined in rules, to count towards the staffing ratios.

(b) Beginning <u>January</u> ~~July~~ 1, 2011, and thereafter, light intermediate care shall be staffed at the same staffing ratio as intermediate care.

(c) Facilities shall notify the Department within 60 days after the effective date of this amendatory Act of the 96th General Assembly, in a form and manner prescribed by the Department, of the staffing ratios in effect on the effective date of this amendatory Act of the 96th General Assembly for both intermediate and skilled care and the number of residents receiving each level of care.

(d)(1) Effective July 1, 2010, for each resident needing skilled care, a minimum staffing ratio of 2.5 hours of nursing and personal care each day must be provided; for each resident needing intermediate care, 1.7 hours of nursing and personal care each day must be provided.

(2) Effective January 1, 2011, the minimum staffing ratios shall be increased to 2.7 hours of nursing and personal care each day for a resident needing skilled care and 1.9 hours of nursing and personal care each day for a resident needing intermediate care.

(3) Effective January 1, 2012, the minimum staffing ratios shall be increased to 3.0 hours of nursing and personal care each day for a resident needing skilled care and 2.1 hours of nursing and personal care each day for a resident needing intermediate care.

(4) Effective January 1, 2013, the minimum staffing ratios shall be increased to 3.4 hours of nursing and personal care each day for a resident needing skilled care and 2.3 hours of nursing and personal care each day for a resident needing intermediate care.

(5) Effective January 1, 2014, the minimum staffing ratios shall be increased to 3.8 hours of nursing and personal care each day for a resident needing skilled care and 2.5 hours of nursing and personal care each day for a resident needing intermediate care.

(Source: P.A. 96-1372, eff. 7-29-10.)

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 2022. Having been reproduced, was taken up and read by title a second time.

Representative Riley offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2022 by replacing everything after the enacting clause with the following:

"Section 5. The Eminent Domain Act is amended by adding Section 25-5-30 as follows:

(735 ILCS 30/25-5-30 new)

Sec. 25-5-30. Quick-take; City of Country Club Hills.

Quick-take proceedings under Article 20 may be used for a period of no longer than one year from the effective date of this amendatory Act of the 96th General Assembly by the City of Country Club Hills for the acquisition of the following described property for the purpose of building streets, roadways, or other public improvements to serve the City's I-57/I-80 Tax Increment Financing District:

That part of Lots 2, 4 through 10 (both inclusive) and 16 in Gatling Country Club Hills Resubdivision being a Resubdivision of part of Gatling Country Club Hills Subdivision in the Northeast Quarter of Section 27, Township 36 North, Range 13 East of the Third Principal Meridian, South of the Indian Boundary Line, according to the plat thereof recorded June 9, 2004 as Document No. 0416145163, taken as a tract and described as follows: Beginning at the Northwesterly corner of said Lot 10; thence North 89 Degrees 58 Minutes 52 Seconds West along the North line of said Lot 16, 100.47 feet to the Northeast corner of said Lot 16; thence South 00 Degrees 01 Minute 08 Seconds West along the West line of Lot 16, 24.00 feet; thence North 89 Degrees 58 Minutes 52 Seconds West, 12.20 Feet; thence South 11 Degrees 27 Minutes 13 Seconds East, 46.94 feet; thence South 00 Degrees 00 Minutes 31 Seconds East, 132.33 feet to a point of curve; thence Southerly along a curve concave Westerly having a radius of 37.73 feet and a central angle of 50 Degrees 50 Minutes 17 Seconds a distance of 30.81 feet to a point of tangency, thence South 50 Degrees 05 Minutes 28 Seconds West, 30.65 feet; thence South 90 Degrees 00 Minutes 00 Seconds West, 1177.04 feet to the West line of said Resubdivision; thence South 00 Degrees 00 Minutes 00 Seconds West along said last described line, 45.00 feet; thence South 90 Degrees 00 Minutes 00 Seconds East, 1192.95 feet; thence South 45 Degrees 00 Minutes 00 Seconds East, 54.13 feet; thence South 00 Degrees 03 Minutes 38 Seconds East, 18.73 feet; thence North 89 Degrees 56 Minutes 22 Seconds East, 45.00 feet; thence North 00 Degrees 03 Minutes 38 Seconds West, 20.23 feet; thence North 45 Degrees 00 Minutes 00 Seconds, 43.46 feet; thence North 90 Degrees 00 Minutes 00 Seconds East, 163.27 feet; thence North 00 Degrees 00 Minutes 00 Seconds West, 50.00 feet; thence North 89 Degrees 59 Minutes 59 Seconds West, 69.27 feet; thence North 85 Degrees 04 Minutes 24 Seconds West, 51.65 feet; thence North 74 Degrees 17 Minutes 00 Seconds West, 26.77 feet; thence North 00 Degrees 00 Minutes 00 Seconds East, 8.29 feet; thence North 45 Degrees 00 Minutes 00 Seconds West, 43.54 feet; thence North 00 Degrees 00 Minutes 00 Seconds East, 133.54 feet; thence North 19 Degrees 33 Minutes 58 Seconds East, 69.77 feet to the point of beginning, all in Cook County, Illinois.

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 5635. Having been reproduced, was taken up and read by title a second time.

Representative Rose offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 5635 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 11-74.4-3.5 as follows:

(65 ILCS 5/11-74.4-3.5)

Sec. 11-74.4-3.5. Completion dates for redevelopment projects.

(a) Unless otherwise stated in this Section, the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer, as provided in subsection (b) of Section 11-74.4-8 of this Act, is to be made with respect to ad valorem taxes levied in the 23rd calendar year after the year in which the ordinance approving

the redevelopment project area was adopted if the ordinance was adopted on or after January 15, 1981.

(b) The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 32nd calendar year after the year in which the ordinance approving the redevelopment project area was adopted, if the ordinance was adopted on September 9, 1999 by the Village of Downs.

The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 33rd calendar year after the year in which the ordinance approving the redevelopment project area was adopted, if the ordinance was adopted on May 20, 1985 by the Village of Wheeling.

(c) The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 35th calendar year after the year in which the ordinance approving the redevelopment project area was adopted:

(1) if the ordinance was adopted before January 15, 1981;

(2) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989;

(3) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport;

(4) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County;

(5) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law;

(6) if the ordinance was adopted in December 1984 by the Village of Rosemont;

(7) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997;

(8) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis;

(9) if the ordinance was adopted on November 12, 1991 by the Village of Sauget;

(10) if the ordinance was adopted on February 11, 1985 by the City of Rock Island;

(11) if the ordinance was adopted before December 18, 1986 by the City of Moline;

(12) if the ordinance was adopted in September 1988 by Sauk Village;

(13) if the ordinance was adopted in October 1993 by Sauk Village;

(14) if the ordinance was adopted on December 29, 1986 by the City of Galva;

(15) if the ordinance was adopted in March 1991 by the City of Centreville;

(16) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis;

(17) if the ordinance was adopted on December 22, 1986 by the City of Aledo;

(18) if the ordinance was adopted on February 5, 1990 by the City of Clinton;

(19) if the ordinance was adopted on September 6, 1994 by the City of Freeport;

(20) if the ordinance was adopted on December 22, 1986 by the City of Tuscola;

(21) if the ordinance was adopted on December 23, 1986 by the City of Sparta;

(22) if the ordinance was adopted on December 23, 1986 by the City of Beardstown;

(23) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville;

(24) if the ordinance was adopted on December 29, 1986 by the City of Collinsville;

(25) if the ordinance was adopted on September 14, 1994 by the City of Alton;

(26) if the ordinance was adopted on November 11, 1996 by the City of Lexington;

(27) if the ordinance was adopted on November 5, 1984 by the City of LeRoy;

(28) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of

Markham;
(29) if the ordinance was adopted on November 11, 1986 by the City of Pekin;
(30) if the ordinance was adopted on December 15, 1981 by the City of Champaign;
(31) if the ordinance was adopted on December 15, 1986 by the City of Urbana;
(32) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth;
(33) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth;
(34) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth;
(35) if the ordinance was adopted on December 23, 1986 by the Town of Cicero;
(36) if the ordinance was adopted on December 30, 1986 by the City of Effingham;
(37) if the ordinance was adopted on May 9, 1991 by the Village of Tilton;
(38) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst;
(39) if the ordinance was adopted on January 19, 1988 by the City of Waukegan;
(40) if the ordinance was adopted on September 21, 1998 by the City of Waukegan;
(41) if the ordinance was adopted on December 31, 1986 by the City of Sullivan;
(42) if the ordinance was adopted on December 23, 1991 by the City of Sullivan;
(43) if the ordinance was adopted on December 31, 1986 by the City of Oglesby;
(44) if the ordinance was adopted on July 28, 1987 by the City of Marion;
(45) if the ordinance was adopted on April 23, 1990 by the City of Marion;
(46) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect;
(47) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull;
(48) if the ordinance was adopted on April 20, 1993 by the Village of Princeville;
(49) if the ordinance was adopted on July 1, 1986 by the City of Granite City;
(50) if the ordinance was adopted on February 2, 1989 by the Village of Lombard;
(51) if the ordinance was adopted on December 29, 1986 by the Village of Gardner;
(52) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw;
(53) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park;
(54) if the ordinance was adopted on November 20, 1989 by the Village of South Holland;
(55) if the ordinance was adopted on July 14, 1992 by the Village of Riverdale;
(56) if the ordinance was adopted on December 29, 1986 by the City of Galesburg;
(57) if the ordinance was adopted on April 1, 1985 by the City of Galesburg;
(58) if the ordinance was adopted on May 21, 1990 by the City of West Chicago;
(59) if the ordinance was adopted on December 16, 1986 by the City of Oak Forest;
(60) if the ordinance was adopted in 1999 by the City of Villa Grove;
(61) if the ordinance was adopted on January 13, 1987 by the Village of Mt. Zion;
(62) if the ordinance was adopted on December 30, 1986 by the Village of Manteno;
(63) if the ordinance was adopted on April 3, 1989 by the City of Chicago Heights;
(64) if the ordinance was adopted on January 6, 1999 by the Village of Rosemont;
(65) if the ordinance was adopted on December 19, 2000 by the Village of Stone Park;
(66) if the ordinance was adopted on December 22, 1986 by the City of DeKalb;
(67) if the ordinance was adopted on December 2, 1986 by the City of Aurora;
(68) if the ordinance was adopted on December 31, 1986 by the Village of Milan;
(69) if the ordinance was adopted on September 8, 1994 by the City of West Frankfort;
(70) if the ordinance was adopted on December 23, 1986 by the Village of Libertyville;
(71) if the ordinance was adopted on December 22, 1986 by the Village of Hoffman Estates;
(72) if the ordinance was adopted on September 17, 1986 by the Village of Sherman;
(73) if the ordinance was adopted on December 16, 1986 by the City of Macomb;
(74) if the ordinance was adopted on June 11, 2002 by the City of East Peoria to create the West Washington Street TIF;
(75) if the ordinance was adopted on June 11, 2002 by the City of East Peoria to create the Camp Street TIF;
(76) if the ordinance was adopted on August 7, 2000 by the City of Des Plaines;
(77) if the ordinance was adopted on December 22, 1986 by the City of Washington to create the Washington Square TIF #2;
(78) if the ordinance was adopted on December 29, 1986 by the City of Morris;
(79) if the ordinance was adopted on July 6, 1998 by the Village of Steeleville;
(80) if the ordinance was adopted on December 29, 1986 by the City of Pontiac to create

TIF I (the Main St TIF);

(81) if the ordinance was adopted on December 29, 1986 by the City of Pontiac to create TIF II (the Interstate TIF);

(82) if the ordinance was adopted on November 6, 2002 by the City of Chicago to create the Madden/Wells TIF District;

(83) if the ordinance was adopted on November 4, 1998 by the City of Chicago to create the Roosevelt/Racine TIF District;

(84) if the ordinance was adopted on June 10, 1998 by the City of Chicago to create the Stony Island Commercial/Burnside Industrial Corridors TIF District;

(85) if the ordinance was adopted on November 29, 1989 by the City of Chicago to create the Englewood Mall TIF District;

(86) if the ordinance was adopted on December 27, 1986 by the City of Mendota;

(87) if the ordinance was adopted on December 31, 1986 by the Village of Cahokia;

(88) if the ordinance was adopted on September 20, 1999 by the City of Belleville;

(89) if the ordinance was adopted on December 30, 1986 by the Village of Bellevue to create the Bellevue TIF District 1;

(90) if the ordinance was adopted on December 13, 1993 by the Village of Crete;

(91) if the ordinance was adopted on February 12, 2001 by the Village of Crete;

(92) if the ordinance was adopted on April 23, 2001 by the Village of Crete; ~~or~~

(93) if the ordinance was adopted on December 16, 1986 by the City of Champaign; or ~~.~~

(94) if the ordinance was adopted on December 20, 1986 by the City of Charleston.

(d) For redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by Public Act 87-1272 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

(e) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(f) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(g) In consolidating the material relating to completion dates from Sections 11-74.4-3 and 11-74.4-7 into this Section, it is not the intent of the General Assembly to make any substantive change in the law, except for the extension of the completion dates for the City of Aurora, the Village of Milan, the City of West Frankfort, the Village of Libertyville, and the Village of Hoffman Estates set forth under items (67), (68), (69), (70), and (71) of subsection (c) of this Section.

(Source: P.A. 95-932, eff. 8-26-08; 95-964, eff. 9-23-08; incorporates P.A. 95-777, eff. 9-22-08, and 95-1028, eff. 8-25-09 (see Section 5 of P.A. 96-717 for the effective date of changes made by P.A. 95-1028); 96-127, eff. 8-4-09; 96-182, eff. 8-10-09; 96-208, eff. 8-10-09; 96-209, eff. 1-1-10; 96-213, eff. 8-10-09; 96-264, eff. 8-11-09; 96-328, eff. 8-11-09; 96-439, eff. 8-14-09; 96-454, eff. 8-14-09; 96-722, eff. 8-25-09; 96-773, eff. 8-28-09; 96-830, eff. 12-4-09; 96-837, eff. 12-16-09; 96-1000, eff. 7-2-10; 96-1359, eff. 7-28-10.)

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.

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 6908.

HOUSE BILL 1453. Having been reproduced, was taken up and read by title a second time.

Representative William Davis offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 1453 by replacing everything after the enacting clause with the following:

"Section 5. The Business Enterprise for Minorities, Females, and Persons with Disabilities Act is amended by changing Section 6 as follows:

(30 ILCS 575/6) (from Ch. 127, par. 132.606)

(Section scheduled to be repealed on June 30, 2012)

Sec. 6. Agency compliance plans. Each State agency and State university under the jurisdiction of this Act shall file with the Council an annual compliance plan which shall outline the goals of the State agency or State university for contracting with businesses owned by minorities, females, and persons with disabilities for the then current fiscal year, the manner in which the agency intends to reach these goals and a timetable for reaching these goals. The Council shall review and approve the plan of each State agency and State university and may reject any plan that does not comply with this Act or any rules or regulations promulgated pursuant to this Act.

(a) The compliance plan shall also include, but not be limited to, (1) a policy statement, signed by the State agency or State university head, expressing a commitment to encourage the use of businesses owned by minorities, females, and persons with disabilities, (2) the designation of the liaison officer provided for in Section 5 of this Act, (3) procedures to distribute to potential contractors and vendors the list of all businesses legitimately classified as businesses owned by minorities, females, and persons with disabilities and so certified under this Act, (4) procedures to set separate contract goals on specific prime contracts and purchase orders with subcontracting possibilities based upon the type of work or services and subcontractor availability, (5) procedures to assure that contractors and vendors make good faith efforts to meet contract goals, (6) procedures for contract goal exemption, modification and waiver, and (7) the delineation of separate contract goals for businesses owned by minorities, females, and persons with disabilities.

(b) Approval of the compliance plans shall include such delegation of responsibilities to the requesting State agency or State university as the Council deems necessary and appropriate to fulfill the purpose of this Act. Such responsibilities may include, but need not be limited to those outlined in subsections (1), (2) and (3) of Section 7 and paragraph (a) of Section 8.

(c) Each State agency and State university under the jurisdiction of this Act shall file with the Council an annual report of its utilization of businesses owned by minorities, females, and persons with disabilities during the preceding fiscal year including lapse period spending and a mid-fiscal year report of its utilization to date for the then current fiscal year. The reports shall include a self-evaluation of the efforts of the State agency or State university to meet its goals under the Act.

(d) Notwithstanding any provisions to the contrary in this Act, any State agency or State university which administers a construction program, for which federal law or regulations establish standards and procedures for the utilization of minority, disadvantaged, and female-owned business, may ~~shall~~ implement a disadvantaged business enterprise program to include minority, disadvantaged and female-owned businesses, using the federal standards and procedures for the establishment of goals and utilization procedures for the State-funded, as well as the federally assisted, portions of the program. In such cases, these goals shall not exceed those established pursuant to the relevant federal statutes or regulations. Notwithstanding the provisions of Section 8b, the Illinois Department of Transportation is authorized to establish sheltered markets for the State-funded portions of the program consistent with federal law and regulations. Additionally, a compliance plan which is filed by such State agency or State university pursuant to this Act, which incorporates equivalent terms and conditions of its federally-approved compliance plan, shall be deemed approved under this Act.

(Source: P.A. 88-377; 88-597, eff. 8-28-94.)

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 1510. Having been reproduced, was taken up and read by title a second time.

Representative Mautino offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 1510 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Grant Funds Recovery Act is amended by changing Section 3 as follows:

(30 ILCS 705/3) (from Ch. 127, par. 2303)

Sec. 3. Application. Except as otherwise provided by this Section, all grant funds are subject to the provisions of this Act. This Act does not empower any grantor agency to make grants.

This Act does not apply to grant funds that are granted without limitation or condition imposed by law, other than the general limitation that such funds be used for public purposes.

This Act does not apply to funds disbursed pursuant to a statutory formula for distribution.

This Act does not apply to grants made pursuant to Sections 1.25 and 3.31 of "An Act making appropriations to various agencies", Public Act 84-110, approved July 25, 1985.

This Act does not apply to funds disbursed pursuant to a contract between the Department of Transportation and any other highway authority for the purposes set forth in Section 4-409 of the Illinois Highway Code or any airport owner, operator, or controller as set forth in Section 34 of the Illinois Aeronautics Act.

(Source: P.A. 84-1440.)

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.

SENATE BILLS ON SECOND READING

SENATE BILL 2505. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend Senate Bill 2505 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 27-15 as follows:

(35 ILCS 200/27-15)

Sec. 27-15. Governing body. The corporate authorities of the ~~the~~ municipality or county shall be the governing body of the special service area.

(Source: P.A. 78-901; 88-455.)".

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

SENATE BILL 2800. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Health Care Licenses, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 2800 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.21 as follows:

(5 ILCS 80/4.21)

Sec. 4.21. Acts repealed on January 1, 2011 and November 30, 2011.

(a) The following Acts are repealed on January 1, 2011:

The Fire Equipment Distributor and Employee Regulation Act of 2000.

(b) The following Act is repealed on November 30, 2011:

The Medical Practice Act of 1987.

(Source: P.A. 96-1041, eff. 7-14-10.)

(5 ILCS 80/4.20 rep.)

Section 10. The Regulatory Sunset Act is amended by repealing Section 4.20.

Section 99. Effective date. This Act takes effect December 30, 2010.".

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

SENATE BILL 3044. Having been read by title a second time on May 5, 2010, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

SENATE BILL 3162. 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 Senate Bill 3162 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Section 1-113.14 as follows:

(40 ILCS 5/1-113.14)

Sec. 1-113.14. Investment services for retirement systems, pension funds, and investment boards, except those funds established under Articles 3 and 4.

(a) For the ~~the~~ purposes of this Section, "investment services" means services provided by an investment adviser or a consultant.

(b) The selection and appointment of an investment adviser or consultant for investment services by the board of a retirement system, pension fund, or investment board subject to this Code, except those whose investments are restricted by Section 1-113.2, shall be made and awarded in accordance with this Section. All contracts for investment services shall be awarded by the board using a competitive process that is substantially similar to the process required for the procurement of professional and artistic services under Article 35 of the Illinois Procurement Code. Each board of trustees shall adopt a policy in accordance with this subsection (b) within 60 days after the effective date of this amendatory Act of the 96th General Assembly. The policy shall be posted on its web site and filed with the Illinois Procurement Policy Board. Exceptions to this Section are allowed for (i) sole source procurements, (ii) emergency procurements, and (iii) at the discretion of the pension fund, retirement system, or board of investment, contracts that are nonrenewable and one year or less in duration, so long as the contract has a value of less than $20,000. All exceptions granted under this Section must be published on the system's, fund's, or board's web site, shall name the person authorizing the procurement, and shall include a brief explanation of the reason for the exception.

A person, other than a trustee or an employee of a retirement system, pension fund, or investment board, may not act as a consultant or investment adviser under this Section unless that person is registered as an investment adviser under the federal Investment Advisers Act of 1940 (15 U.S.C. 80b-1, et seq.) or a bank, as defined in the federal Investment Advisers Act of 1940 (15 U.S.C. 80b-1, et seq.).

(c) Investment services provided by an investment adviser or a consultant appointed under this Section shall be rendered pursuant to a written contract between the investment adviser or consultant and the board.

The contract shall include all of the following:

(1) Acknowledgement in writing by the investment adviser or consultant that he or she is a fiduciary with respect to the pension fund or retirement system.

(2) The description of the board's investment policy and notice that the policy is subject to change.

(3) (i) Full disclosure of direct and indirect fees, commissions, penalties, and other compensation, including reimbursement for expenses, that may be paid by or on behalf of the consultant in connection with the provision of services to the pension fund or retirement system and (ii) a requirement that the consultant update the disclosure promptly after a modification of those payments or an additional payment.

(4) A requirement that the investment adviser or consultant, in conjunction with the board's staff, submit periodic written reports, on at least a quarterly basis, for the board's review at its regularly scheduled meetings. All returns on investment shall be reported as net returns after payment of all fees, commissions, and any other compensation.

(5) Disclosure of the names and addresses of (i) the consultant or investment adviser; (ii) any entity that is a parent of, or owns a controlling interest in, the consultant or investment adviser; (iii) any entity that is a subsidiary of, or in which a controlling interest is owned by, the consultant or investment adviser; (iv) any persons who have an ownership or distributive income share in the consultant or investment adviser that is in excess of 7.5%; or (v) serves as an executive officer of the consultant or investment adviser.

(6) A disclosure of the names and addresses of all subcontractors, if applicable, and the expected amount of money each will receive under the contract, including an acknowledgment that the contractor must promptly make notification, in writing, if at any time during the term of the contract a contractor adds or changes any subcontractors. For purposes of this subparagraph (6), "subcontractor" does not include non-investment related professionals or professionals offering services that are not directly related to the investment of assets, such as legal counsel, actuary, proxy-voting services, services used to track compliance with legal standards, and investment fund of funds where the board has no direct contractual relationship with the investment advisers or partnerships.

(7) A description of service to be performed.

(8) A description of the need for the service.

(9) A description of the plan for post-performance review.

(10) A description of the qualifications necessary.

(11) The duration of the contract.

(12) The method for charging and measuring cost.

(d) Notwithstanding any other provision of law, a retirement system, pension fund, or investment board subject to this Code, except those whose investments are restricted by Section 1-113.2 of this Code, shall not enter into a contract with a consultant that exceeds 5 years in duration. No contract to provide consulting services may be renewed or extended. At the end of the term of a contract, however, the consultant is eligible to compete for a new contract as provided in this Section. No retirement system, pension fund, or investment board shall attempt to avoid or contravene the restrictions of this subsection (d) by any means.

(e) Within 60 days after the effective date of this amendatory Act of the 96th General Assembly, each investment adviser or consultant currently providing services or subject to an existing contract for the provision of services must disclose to the board of trustees all direct and indirect fees, commissions, penalties, and other compensation paid by or on behalf of the investment adviser or consultant in connection with the provision of those services and shall update that disclosure promptly after a modification of those payments or an additional payment. The person shall update the disclosure promptly after a modification of those payments or an additional payment. The disclosures required by this subsection (e) shall be in writing and shall include the date and amount of each payment and the name and address of each recipient of a payment.

(f) The retirement system, pension fund, or board of investment shall develop uniform documents that shall be used for the solicitation, review, and acceptance of all investment services. The form shall include the terms contained in subsection (c) of this Section. All such uniform documents shall be posted on the retirement system's, pension fund's, or investment board's web site.

(g) A description of every contract for investment services shall be posted in a conspicuous manner on the web site of the retirement system, pension fund, or investment board. The description must include the name of the person or entity awarded a contract, the total amount applicable to the contract, the total fees paid or to be paid, and a disclosure approved by the board describing the factors that contributed to the

selection of an investment adviser or consultant.
(Source: P.A. 96-6, eff. 4-3-09.)".

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

SENATE BILL 3322. 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 Senate Bill 3322 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Non-Recourse Civil Litigation Funding Act.".

There being no further amendments, the bill was ordered 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: SENATE BILLS 3342 and 3775.

SENATE BILL 2843. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend Senate Bill 2843 as follows:
on page 1, line 5, by replacing "2-3.153" with "22-65"; and
on page 1, by replacing lines 6 through 20 with the following:

"(105 ILCS 5/22-65 new)

Sec. 22-65. The Task Force on the Prevention of Sexual Abuse of Children. The Task Force on the Prevention of Sexual Abuse of Children is created within the Department of Children and Family Services. The Task Force shall consist of all of the following members:

(1) One member of the General Assembly and one member of the public, appointed by the President of the Senate.

(2) One member of the General Assembly and one member of the public, appointed by the Minority Leader of the Senate.

(3) One member of the General Assembly and one member of the public, appointed by the Speaker of the House of Representatives.

(4) One member of the General Assembly and one member of the public, appointed by the Minority Leader of the House of Representatives.

(5) The Director of Children and Family Services or his or her designee.

(6) The State Superintendent of Education or his or her designee.

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

(8) The Executive Director of the Illinois Violence Prevention Authority or his or her designee.

(9) A representative of an agency that leads the collaboration of the investigation, prosecution, and treatment of child sexual and physical abuse cases, appointed by the Director of Children and Family Services.

(10) A representative of an organization representing law enforcement, appointed by the Director of State Police.

(11) A representative of a statewide professional teachers' organization, appointed by the head of that organization.

(12) A representative of a different statewide professional teachers' organization, appointed by the head of that organization.

(13) A representative of an organization involved in the prevention of child abuse in this State, appointed by the Director of Children and Family Services.

(14) A representative of an organization representing school management in this State, appointed by the State Superintendent of Education.

(15) Erin Merryn, for whom Section 10-23.13 of this Code is named."; and
by replacing line 17 on page 2 with the following:
"January 1, 2012.".

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

RESOLUTION

Having been reported out of the Committee on Elementary & Secondary Education on November 17, 2010, HOUSE RESOLUTION 1165 was taken up for consideration.

Representative Mendoza moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

SENATE RESOLUTION

Having been reported out of the Committee on Elementary & Secondary Education on November 17, 2010, SENATE JOINT RESOLUTION 80 was taken up for consideration.

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

AMENDMENT NO. 1. Amend Senate Joint Resolution 80 on page 2, by replacing line 2 with the following:
"Task Force within the State Board of Education; and be it further

RESOLVED, That the State Board of Education shall provide administrative and other support to the Task Force; and be it further".

Representative Dunkin moved the adoption of the resolution.

Representative Eddy requested a roll call vote.

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

71, Yeas; 42, Nays; 1, Answering Present.

(ROLL CALL 2)

The motion prevailed and the Resolution was adopted.

Ordered that the Clerk inform the Senate.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 1486, 1487, 1488, 1489, 1490, 1492 and 1493 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

RECALL

At the request of the principal sponsor, Representative Gabel, SENATE BILL 3712 was recalled from the order of Third Reading to the order of Second Reading.

SENATE BILLS ON SECOND READING

SENATE BILL 3712. Having been recalled on November 17, 2010, the same was again taken up.

Representative Gabel offered the following amendments and moved their adoption.

AMENDMENT NO. 1. Amend Senate Bill 3712 by replacing everything after the enacting clause

with the following:

"Section 1. Short title. This Act may be cited as the Home Birth Safety Act.

Section 5. Purpose. The practice of midwifery in out-of-hospital settings is hereby declared to affect the public health, safety, and welfare and to be subject to regulation in the public interest. The purpose of the Act is to protect and benefit the public by setting standards for the qualifications, education, training, and experience of those who seek to obtain licensure and hold the title of Licensed Midwife, to promote high standards of professional performance for those licensed to practice midwifery in out-of-hospital settings in this State, and to protect the public from unprofessional conduct by persons licensed to practice midwifery, as defined in this Act. This Act shall be liberally construed to best carry out these purposes.

Section 10. Exemptions.

(a) This Act does not prohibit a person licensed under any other Act in this State from engaging in the practice for which he or she is licensed or from delegating services as provided for under that other Act.

(b) Nothing in this Act shall be construed to prohibit or require licensing under this Act, with regard to a student midwife working under the direction of a licensed midwife.

Section 15. Definitions. In this Act:

"Board" means the Illinois Midwifery Board.

"Certified professional midwife" means a person who has met the standards for certification set by the North American Registry of Midwives or a successor organization and has been awarded the Certified Professional Midwife (CPM) credential.

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

"Licensed midwife" means a person who has been granted a license under this Act to engage in the practice of midwifery.

"National Association of Certified Professional Midwives" or "NACPM" means the professional organization, or its successor, that promotes the growth and development of the profession of certified professional midwives.

"North American Registry of Midwives" or "NARM" means the accredited international agency, or its successor, that has established and has continued to administer certification for the credentialing of certified professional midwives.

"Practice of midwifery" means providing the necessary supervision, care, education, and advice to women during the antepartum, intrapartum, and postpartum period, conducting deliveries independently, and caring for the newborn, with such care including without limitation preventative measures, the detection of abnormal conditions in the mother and the child, the procurement of medical assistance, and the execution of emergency measures in the absence of medical help. "Practice of midwifery" includes non-prescriptive family planning.

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

Section 20. Unlicensed practice. Beginning 3 years after the effective date of this Act, no person may practice, attempt to practice, or hold himself or herself out to practice as a licensed midwife unless he or she is licensed as a midwife under this Act.

Section 25. Title. A licensed midwife may identify himself or herself as a Licensed Midwife or a Licensed Homebirth Midwife and may use the abbreviation L.M. A licensed midwife who carries the CPM credential may alternately identify himself or herself as a Licensed Certified Professional Midwife or Licensed CPM and may use the abbreviation LM, CPM.

Section 30. Informed consent.

(a) A licensed midwife shall, at an initial consultation with a client, provide a copy of the rules under this Act and disclose to the client orally and in writing all of the following:

(1) The licensed midwife's experience and training.

(2) Whether the licensed midwife has malpractice liability insurance coverage and the policy limits of any such coverage.

(3) A written protocol for the handling of medical emergencies, including transportation to a hospital, particular to each client.

(4) A notice that the client must obtain a physical examination from a physician licensed to practice medicine in all its branches, doctor of osteopathy, physician assistant, or advanced practice nurse.

(b) A copy of the informed consent document, signed and dated by the client, must be kept in each client's chart.

Section 33. Vicarious liability. No physician licensed to practice medicine in all its branches or advanced practice nurse shall be held liable for an injury solely resulting from an act or omission by a

licensed midwife occurring outside of a hospital, doctor's office or health care facility.

Except as may otherwise be provided by law, nothing in this Section shall exempt any physician licensed to practice medicine in all its branches or advanced practice nurse from liability for his or her own negligent, grossly negligent, or willful or wanton acts or omissions.

Section 35. Advertising.

(a) Any person licensed under this Act may advertise the availability of professional midwifery services in the public media or on premises where professional services are rendered, if the advertising is truthful and not misleading and is in conformity with any rules regarding the practice of a licensed midwife.

(b) A licensee must include in every advertisement for midwifery services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

Section 40. Powers and duties of the Department; rules.

(a) Administration by the Department of this Act must be consistent with standards regarding the practice of midwifery established by the National Association of Certified Professional Midwives or a successor organization whose essential documents include without limitation subject matter concerning scope of practice, standards of practice, informed consent, appropriate consultation, collaboration or referral, and acknowledgement of a woman's right to self determination concerning her maternity care.

(b) Rules prescribed by the Department under this Act must provide for the scope of practice, including all of the following:

(1) With regard to testing, care, and screening, a licensed midwife shall:

(A) offer each client routine prenatal care and testing in accordance with current American College of Obstetricians and Gynecologists guidelines;

(B) provide all clients with a plan for 24-hour on-call availability by a licensed midwife, certified nurse-midwife, or licensed physician throughout pregnancy, intrapartum, and 6 weeks postpartum;

(C) provide clients with labor support, fetal monitoring, and routine assessment of vital signs once active labor is established;

(D) supervise delivery of infant and placenta, assess newborn and maternal well-being in immediate postpartum, and perform Apgar scores;

(E) perform routine cord management and inspect for the appropriate number of vessels;

(F) inspect the placenta and membranes for completeness;

(G) inspect the perineum and vagina postpartum for lacerations and stabilize;

(H) observe mother and newborn postpartum until stable condition is achieved, but in no event for less than 2 hours;

(I) instruct the mother, father, and other support persons, both verbally and in writing, of the special care and precautions for both mother and newborn in the immediate postpartum period;

(J) reevaluate maternal and newborn well-being within 36 hours after delivery.

(K) use universal precautions with all biohazard materials;

(L) ensure that a birth certificate is accurately completed and filed in accordance with State law;

(M) offer to obtain and submit a blood sample, in accordance with the recommendations for metabolic screening of the newborn;

(N) offer an injection of vitamin K for the newborn, in accordance with the indication, dose, and administration route set forth in this Section.

(O) within one week after delivery, offer a newborn hearing screening to every newborn or refer the parents to a facility with a newborn hearing screening program;

(P) within 2 hours after the birth, offer the administration of anti-biotic ointment into the eyes of the newborn, in accordance with State law on the prevention of infant blindness; and

(Q) maintain adequate antenatal and perinatal records of each client and provide records to consulting licensed physicians and licensed certified nurse-midwives, in accordance with the federal Health Insurance Portability and Accountability Act.

(2) With regard to prescription drugs, devices, and procedures, licensed midwives may administer the following medications during the practice of midwifery:

(A) oxygen for the treatment of fetal distress;

(B) the following eye prophylactics: 0.5% Erythromycin ophthalmic ointment or 1% Tetracycline ophthalmic ointment for the prevention of neonatal ophthalmia;

(C) Oxytocin or Pitocin as a postpartum antihemorrhagic agent or as a prophylaxis for hemorrhage;

(D) Methylergonovine or Methergine for the treatment of postpartum hemorrhage;

(E) Misoprostol (Cytotec), 100-200 mcg for the treatment of postpartum hemorrhage;

(F) Vitamin K for the prophylaxis of hemorrhagic disease of the newborn;

(G) Rho(D) immune globulin (Rhogam) for the prevention of Rho(D) sensitization in Rho(D) negative women;

(H) Lactated Ringers IV solution may be used for maternal stabilization;

(I) Lidocaine injection as a numbing agent for repair of postpartum tears; and

(J) sterile water subcutaneous injections as a non-pharmacological form of pain relief during the first and second stages of labor.

The medication indications, dose, route of administration, and duration of treatment relating to the administration of drugs and procedures identified under this item (2) are as follows:

Medication: Oxygen
Indication: Fetal distress
Maternal dose: 6-8 L/minute
Route of Administration: Mask
Duration of Treatment: Until delivery or transfer to a hospital is complete
Infant dose: 4-6 L/minute
Route of Administration: Bag and mask
Infant dose: 4-6 L/minute
Route of Administration: Mask
Duration of Treatment: 20 minutes or until transfer to a hospital is complete

Medication: 0.5% Erythromycin ophthalmic ointment or 1% Tetracycline ophthalmic ointment
Indication: Prophylaxis of Neonatal Ophthalmia
Dose: 1 cm ribbon in each eye from unit dose package
Route of Administration: Topical
Duration of Treatment: 1 dose

Medication: Oxytocin (Pitocin), 10 units/ml
Indication: Postpartum hemorrhage only: prevention or treatment of postpartum hemorrhage only
Dose: 1-2 ml, 10-20 units
Route of Administration: Intramuscularly only
Duration of Treatment: 1-2 doses

Medication: Methylergonovine (Methergine), 0.2 mg/ml or 0.2 mg tabs
Indication: Postpartum hemorrhage only
Dose: 0.2 mg
Route of administration: Intramuscularly or orally single dose
Duration of treatment: Every 4 hours, may repeat. Maximum 5 doses
Contraindicated in hypertension and Raynaud's Disease

Medication: Misoprostol (Cytotec), 100-200 mcg
Indication: Treatment of postpartum hemorrhage only
Dose: 100-200 mcg tablet
Route of administration: orally or rectally
Duration of treatment: 400-1,000 mcg, in one dose
Caution with Inflammatory Bowel Disease

Medication: Vitamin K, 1.0 mg/0.5 ml
Indication: Prophylaxis of hemorrhagic disease of the newborn
Dose: 1.0 mg injection
Route of administration: Intramuscularly
Duration of treatment: Single dose

Medication: Rho(D) Immune Globulin (Rhogam)
Indication: Prevention of Rho(D) sensitization in Rho(D) negative women
Dose: Unit dose
Route of administration: Intramuscularly only
Duration of treatment: (i) Single dose at any gestation for Rho(D) negative, antibody

negative women within 72 hours after spontaneous bleeding, (ii) single dose at 26-28 weeks gestation for Rho(D) negative, antibody negative women, and (iii) single dose for Rho(D) negative, antibody negative women within 72 hours after delivery of Rho(D) positive infant or infant with an unknown blood type
Medication: Lactated Ringer's solution (LR), unless unavailable or impractical in which case 0.9% sodium chloride may be administered
Indication: To achieve maternal stabilization during uncontrolled postpartum hemorrhage or any time blood loss is accompanied by tachycardia, hypotension, decreased level of consciousness, pallor, or diaphoresis
Dose: First liter run in at a wide-open rate, the second liter titrated to client's condition
Route of administration: IV catheter 18 gauge or larger bore
Duration of treatment: 2L if hemorrhage is severe
Medication: Lidocaine 1% injection
Indication: numbing agent for repair of postpartum tears
Dose: 1-40 ml infiltration as needed
Route of Administration: Topical or injected subcutaneous
Duration of treatment: Maximum 40 ml, one time
Medication/Procedure: Sterile water papules
Indication: For labor pain in the first and second stages of labor
Dose: one injection of 0.25-0.5 ml at each of 4 injection sights
Route of administration: 4 subcutaneous injections in the small of the back
Duration of treatment: Every 2 hours until no longer necessary or delivery. No maximum dosage

(3) With regard to consultation and referral, a licensed midwife shall consult with a licensed physician or a licensed certified nurse midwife providing obstetrical care, whenever there are significant deviations, including abnormal laboratory results, relative to a client's pregnancy or to a neonate. If a referral to a physician or certified nurse midwife is needed, the licensed midwife shall refer the client to a physician or certified nurse midwife and, if possible, remain in consultation with the physician or certified nurse midwife until resolution of the concern; however, consultation does not preclude the possibility of an out-of-hospital birth. It is appropriate for the licensed midwife to maintain care of the client to the greatest degree possible, in accordance with the client's wishes, during the pregnancy and, if possible, during labor, birth and the postpartum period.

A licensed midwife shall consult with a physician licensed to practice medicine in all of its branches, a physician assistant licensed under the Physician Assistant Act of 1987, or an advanced practice nurse licensed under the Nurse Practice Act with regard to any mother who, during antepartum, presents with or develops any of the following risk factors or presents with or develops other risk factors that, in the judgment of the licensed midwife, warrant consultation:

(A) Pregnancy induced hypertension, as evidenced by a blood pressure of 140/90 on 2 occasions greater than 6 hours apart.
(B) Persistent, severe headaches, epigastric pain, or visual disturbances.
(C) Persistent symptoms of urinary tract infection.
(D) Significant vaginal bleeding before the onset of labor not associated with uncomplicated spontaneous abortion.
(E) Rupture of membranes prior to the 37th week gestation.
(F) Noted abnormal decrease in or cessation of fetal movement.
(G) Anemia resistant to supplemental therapy.
(H) Fever of 102 degrees F or 39 degrees C or greater for more than 24 hours.
(I) Non-vertex presentation after 38 weeks gestation.
(J) Hyperemisis or significant dehydration.
(K) ISO immunization, Rh negative sensitized, positive titers, or any other positive antibody titer, which may have a detrimental effect on the mother or fetus.
(L) Elevated blood glucose levels unresponsive to dietary management.
(M) Positive HIV antibody test.
(N) Primary genital herpes infection in pregnancy.
(O) Symptoms of malnutrition or anorexia or protracted weight loss or failure to gain weight.
(P) Suspected deep vein thrombosis.
(Q) Documented placental anomaly or previa.
(R) Documented low lying placenta after 28 weeks gestation.

(S) Labor prior to the 37th week of gestation.

(T) History of any prior uterine incision. A woman who has had a previous low transverse cesarean section (LTCS) with a subsequent vaginal birth may be considered for home birth. A woman with a prior LTCS and no subsequent vaginal birth after cesarean or other uterine surgeries, may be managed antepartally with consultation, but will be transferred to the consultant's care for delivery.

(U) Lie other than vertex at term.

(V) Multiple gestation.

(W) Known fetal anomalies that may be affected by the site of birth.

(X) Marked abnormal fetal heart tones.

(Y) Abnormal non-stress test or abnormal biophysical profile.

(Z) Marked or severe poly or oligo hydramnios.

(AA) Evidence of intrauterine growth restriction.

(BB) Significant abnormal ultrasound findings.

(CC) Gestation beyond 42 weeks by reliable confirmed dates.

A licensed midwife shall consult with a licensed physician or certified nurse-midwife with regard to any mother who, during intrapartum, presents with or develops any of the following risk factors or presents with or develops other risk factors that, in the judgment of the licensed midwife, warrant consultation:

(A) Rise in blood pressure above baseline, more than 30/15 points or greater than 140/90.

(B) Persistent, severe headaches, epigastric pain, or visual disturbances.

(C) Significant proteinuria or ketonuria.

(D) Fever over 100.6 degrees F or 38 degrees C in absence of environmental factors.

(E) Ruptured membranes without onset of established labor after 18 hours.

(F) Significant bleeding prior to delivery or any abnormal bleeding, with or without abdominal pain; or evidence of placental abruption.

(G) Lie not compatible with spontaneous vaginal delivery or unstable fetal lie.

(H) Failure to progress after 5 hours of active labor or following 2 hours of active second stage labor.

(I) Signs or symptoms of maternal infection.

(J) Active genital herpes at onset of labor.

(K) Fetal heart tones with non-reassuring patterns.

(L) Signs or symptoms of fetal distress.

(M) Thick meconium or frank bleeding with birth not imminent.

(N) Client or licensed midwife desires physician consultation or transfer.

A licensed midwife shall consult with a licensed physician or certified nurse-midwife with regard to any mother who, during postpartum, presents with or develops any of the following risk factors or presents with or develops other risk factors that, in the judgment of the licensed midwife, warrant consultation:

(A) Failure to void within 6 hours of birth.

(B) Signs or symptoms of maternal shock.

(C) Febrile: 102 degrees F or 39 degrees C and unresponsive to therapy for 12 hours.

(D) Abnormal lochia or signs or symptoms of uterine sepsis.

(E) Suspected deep vein thrombosis.

(F) Signs of clinically significant depression.

A licensed midwife shall consult with a licensed physician or licensed certified nurse-midwife with regard to any neonate who is born with or develops any of the following risk factors:

(A) Apgar score of 6 or less at 5 minutes without significant improvement by 10 minutes.

(B) Persistent grunting respirations or retractions.

(C) Persistent cardiac irregularities.

(D) Persistent central cyanosis or pallor.

(E) Persistent lethargy or poor muscle tone.

(F) Abnormal cry.

(G) Birth weight less than 2300 grams.

(H) Jitteriness or seizures.

(I) Jaundice occurring before 24 hours or outside of normal range.

(J) Failure to urinate within 24 hours of birth.
(K) Failure to pass meconium within 48 hours of birth.
(L) Edema.
(M) Prolonged temperature instability.
(N) Significant signs or symptoms of infection.
(O) Significant clinical evidence of glycemic instability.
(P) Abnormal, bulging, or depressed fontanel.
(Q) Significant clinical evidence of prematurity.
(R) Medically significant congenital anomalies.
(S) Significant or suspected birth injury.
(T) Persistent inability to suck.
(U) Diminished consciousness.
(V) Clinically significant abnormalities in vital signs, muscle tone or behavior.
(W) Clinically significant color abnormality, cyanotic, or pale or abnormal perfusion.
(X) Abdominal distention or projectile vomiting.
(Y) Signs of clinically significant dehydration or failure to thrive.

(4) The licensed midwife shall initiate immediate transport according to the licensed midwife's emergency plan, provide emergency stabilization until emergency medical services arrive or transfer is completed, accompany the client or follow the client to a hospital in a timely fashion, provide pertinent information to the receiving facility and complete an emergency transport record. Any of the following conditions shall require immediate notification to the licensed midwife's collaborating health care professional and emergency transfer to a hospital:

(A) Seizures or unconsciousness.
(B) Respiratory distress or arrest.
(C) Evidence of shock.
(D) Psychosis.
(E) Symptomatic chest pain or cardiac arrhythmias.
(F) Prolapsed umbilical cord.
(G) Shoulder dystocia not resolved by Advanced Life Support in Obstetrics (ALSO) protocol.
(H) Symptoms of uterine rupture.
(I) Preeclampsia or eclampsia.
(J) Severe abdominal pain inconsistent with normal labor.
(K) Chorioamnionitis.
(L) Clinically significant fetal heart rate patterns or other manifestation of fetal distress.
(M) Presentation not compatible with spontaneous vaginal delivery.
(N) Laceration greater than second degree perineal or any cervical.
(O) Hemorrhage non-responsive to therapy.
(P) Uterine prolapse or inversion.
(Q) Persistent uterine atony.
(R) Anaphylaxis.
(S) Failure to deliver placenta after one hour if there is no bleeding and fundus is firm.
(T) Sustained instability or persistent abnormal vital signs.
(U) Other conditions or symptoms that could threaten the life of the mother, fetus or neonate.

A licensed midwife may deliver a client with any of the complications or conditions set forth in this item (4), if no physician or other equivalent medical services are available and the situation presents immediate harm to the health and safety of the client, if the complication or condition entails extraordinary and unnecessary human suffering, or if delivery occurs during transport.

(5) With regard to collaboration, a licensed midwife must form a formal collaborative relationship with a medical doctor or doctor of osteopathy licensed under the Illinois Medical Practice Act or a certified nurse midwife licensed as an advanced practice nurse under the Illinois Nurse Practice Act. This relationship must (i) include documented quarterly review of all clients under the care of the licensed midwife, (ii) include written protocols and procedures for assessing risk and appropriateness for home birth, (iii) provide supportive care when care is transferred to another provider, if possible, and (iv)

consider the standards regarding practice of midwifery established by the National Association of Certified Professional Midwives, including referral of mother or baby to appropriate professionals when either needs care outside the midwife's scope of practice or expertise.

This relationship must not be construed to necessarily require the personal presence of the collaborating care provider at all times at the place where services are rendered, as long as there is communication available for consultation by radio, telephone, Internet, or telecommunications.

(6) With regard to prohibited practices, a licensed midwife may not do any of the following:

(A) Administer prescription pharmacological agents intended to induce or augment labor.

(B) Administer prescription pharmacological agents to provide pain management.

(C) Use vacuum extractors or forceps.

(D) Prescribe medications.

(E) Provide care to a woman who has had a cesarean section or other uterine surgery, unless that woman has had a successful subsequent vaginal birth after cesarean section.

(F) Perform major surgical procedures including, but not limited to, abortions, cesarean sections, and circumcisions.

(G) Knowingly accept responsibility for prenatal or intrapartum care of a client with any of the following risk factors:

(i) Chronic significant maternal cardiac, pulmonary, renal or hepatic disease.

(ii) Malignant disease in an active phase.

(iii) Significant hematological disorders or coagulopathies, or pulmonary embolism.

(iv) Insulin requiring diabetes mellitus.

(v) Known maternal congenital abnormalities affecting childbirth.

(vi) Confirmed isoimmunization, Rh disease with positive titer.

(vii) Active tuberculosis.

(viii) Active syphilis or gonorrhea.

(ix) Active genital herpes infection 2 weeks prior to labor or in labor.

(x) Pelvic or uterine abnormalities affecting normal vaginal births, including tumors and malformations.

(xi) Alcoholism or abuse.

(xii) Drug addiction or abuse.

(xiii) Confirmed AIDS status.

(xiv) Uncontrolled current serious psychiatric illness.

(xv) Social or familial conditions unsatisfactory for out-of-hospital maternity care services.

(xvi) Fetus with suspected or diagnosed congenital abnormalities that may require immediate medical intervention.

(c) The Department must, on a quarterly basis, issue a status report to the Board of all complaints submitted to the Department related to the midwifery profession.

Section 45. Illinois Midwifery Board.

(a) There is created under the authority of the Department the Illinois Midwifery Board, which shall consist of 7 members appointed by the Secretary, 4 of whom shall be licensed midwives who carry the CPM credential, except that initial appointees must have at least 3 years of experience in the practice of midwifery in an out-of-hospital setting, be certified by the North American Registry of Midwives, and meet the qualifications for licensure set forth in this Act; one of whom shall be an obstetrician licensed under the Medical Practice Act of 1987 who has a minimum of 2 years of experience working or consulting with home birth providers or, alternately, a family practice physician licensed under the Medical Practice Act of 1987 who has a minimum of 2 years of experience providing home birth services; one of whom shall be a certified nurse midwife who has at least 2 years of experience in providing home birth services; and one of whom shall be a knowledgeable public member who has given birth with the assistance of a certified professional midwife in an out-of-hospital birth setting. Board members shall serve 4-year terms, except that in the case of initial appointments, terms shall be staggered as follows: 3 members shall serve for 4 years, 2 members shall serve for 3 years, and 2 members shall serve for 2 years. The Board shall annually elect a chairperson and vice chairperson.

(b) Any appointment made to fill a vacancy shall be for the unexpired portion of the term. Appointments

to fill vacancies shall be made in the same manner as original appointments. No Board member may be reappointed for a term that would cause his or her continuous service on the Board to exceed 9 years.

(c) Board membership must have reasonable representation from different geographic areas of this State.

(d) The members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses incurred in attending the meetings of the Board.

(e) The Secretary may remove any member for cause at any time prior to the expiration of his or her term.

(f) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to perform all of the duties of the Board.

(g) The Board shall provide the Department with recommendations concerning the administration of this Act and perform each of the following duties:

(1) Recommend to the Department the prescription and, from time to time, the revision of any rules that may be necessary to carry out the provisions of this Act, including those that are designed to protect the health, safety, and welfare of the public.

(2) Conduct hearings and disciplinary conferences on disciplinary charges of licensees.

(3) Report to the Department, upon completion of a hearing, the disciplinary actions recommended to be taken against a person found in violation of this Act.

(4) Recommend the approval, denial of approval, and withdrawal of approval of required education and continuing educational programs.

(h) The Secretary shall give due consideration to all recommendations of the Board. If the Secretary takes action contrary to a recommendation of the Board, the Secretary must promptly provide a written explanation of that action.

(i) The Board may recommend to the Secretary that one or more licensed midwives be selected by the Secretary to assist in any investigation under this Act. Compensation shall be provided to any licensee who provides assistance under this subsection (i), in an amount determined by the Secretary.

(j) Members of the Board shall be immune from suit in an action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Board, except for willful or wanton misconduct.

Section 50. Qualifications.

(a) A person is qualified for licensure as a midwife if that person meets each of the following qualifications:

(1) He or she has earned an associate's degree or higher, or the equivalent of an associate's degree or higher, in either nursing or midwifery from an accredited post-secondary institution or has earned a general associates degree or its equivalent, including completion of all of the following coursework from an accredited post-secondary institution in the following denominations:

(A) Laboratory Science (must include coursework in Anatomy and Physiology and Microbiology): 12 credit hours.

(B) English or Communications: 6 credit hours.

(C) Social and Behavioral Science (Sociology and Psychology): 6 credit hours.

(D) Math: 3 credit hours.

(E) Nutrition: 3 credit hours.

(F) Pharmacology: 3 credit hours.

(2) He or she has successfully completed a program of midwifery education approved by the North American Registry of Midwives that includes both didactic and clinical internship experience, the sum of which, on average, takes 3 to 5 years to complete.

(3) He or she has passed a written and practical skills examination for the practice of midwifery that has been developed following the standards set by the National Commission for Certifying Agencies or a successor organization and is administered by the North American Registry of Midwives.

(4) He or she holds a valid CPM credential granted by the North American Registry of Midwives.

(b) Before August 31, 2010, a person seeking licensure as a licensed midwife who has not met the educational requirements set forth in this Section shall be qualified for licensure if that person does all of the following:

(1) Submits evidence of having successfully passed the national certification exam described in subsection (a) of this Section prior to January 1, 2004.

(2) Submits evidence of current certification in adult CPR and infant CPR or neonatal

resuscitation.

(3) Has continually maintained active, up-to-date recertification status as a certified professional midwife with the North American Registry of Midwives.

(4) Submits evidence of practice for at least 5 years as a midwife delivering in an out-of-hospital setting.

(c) Nothing used in submitting evidence of practice of midwifery when applying for licensure under this Act shall be used as evidence or to take legal action against the applicant regarding the practice of midwifery, nursing, or medicine prior to the passage of this Act.

Section 55. Social Security Number on application. In addition to any other information required to be contained in the application, every application for an original, renewal, reinstated, or restored license under this Act shall include the applicant's Social Security Number.

Section 60. Continuing education.

(a) The Department shall require all licensed midwives to submit proof of the completion of at least 25 hours of continuing education in classes approved by the North American Registry of Midwives and 5 hours of peer review per 3-year license renewal cycle.

(b) Rules adopted under this Act shall require the licensed midwife to maintain CPM certification by meeting all the requirements set forth by the North American Registry of Midwives or to maintain CNM or CM certification by meeting all the requirements set forth by the American Midwifery Certification Board.

(c) Each licensee is responsible for maintaining records of completion of continuing education and shall be prepared to produce the records when requested by the Department.

Section 65. Inactive status.

(a) A licensed midwife who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall be excused from payment of renewal fees until he or she notifies the Department in writing of his or her intent to restore the license.

(b) A licensed midwife whose license is on inactive status may not practice licensed midwifery in the State of Illinois.

(c) A licensed midwife requesting restoration from inactive status shall be required to pay the current renewal fee and to restore his or her license, as provided by the Department.

(d) Any licensee who engages in the practice of midwifery while his or her license is lapsed or on inactive status shall be considered to be practicing without a license, which shall be grounds for discipline.

Section 70. Renewal, reinstatement, or restoration of licensure; military service.

(a) The expiration date and renewal period for each license issued under this Act shall be set by the Department.

(b) All renewal applicants shall provide proof of having met the requirements of continuing education set forth by the North American Registry of Midwives. The Department shall provide for an orderly process for the reinstatement of licenses that have not been renewed due to failure to meet continuing education requirements.

(c) Any licensed midwife who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of fitness to have the license restored and by paying the required fees. Proof of fitness may include evidence attesting to active lawful practice in another jurisdiction.

(d) The Department shall determine, by an evaluation program, fitness for restoration of a license under this Section and shall establish procedures and requirements for restoration.

(e) Any licensed midwife whose license expired while he or she was (i) in federal service on active duty with the Armed Forces of the United States or the State Militia and called into service or training or (ii) in training or education under the supervision of the United States preliminary to induction into the military service may have his or her license restored without paying any lapsed renewal fees, if, within 2 years after honorable termination of service, training, or education, he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged.

Section 75. Roster. The Department shall maintain a roster of the names and addresses of all licensees and of all persons whose licenses have been suspended or revoked. This roster shall be available upon written request and payment of the required fee.

Section 80. Fees.

(a) The Department shall provide for a schedule of fees for the administration and enforcement of this Act, including without limitation original licensure, renewal, and restoration, which fees shall be nonrefundable.

(b) All fees collected under this Act shall be deposited into the General Professions Dedicated Fund and

appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act.

Section 85. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a non-renewed license. The Department shall notify the person that fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to defray all expenses of processing the application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

Section 90. Unlicensed practice; civil penalty. Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice midwifery or as a midwife without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee. The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record. The Department may investigate any unlicensed activity.

Section 95. Grounds for disciplinary action. The Department may refuse to issue or to renew or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed $5,000 for each violation, with regard to any licensee or license for any one or combination of the following causes:

(1) Violations of this Act or its rules.

(2) Material misstatement in furnishing information to the Department.

(3) Conviction of any crime under the laws of any U.S. jurisdiction that is (i) a felony, (ii) a misdemeanor, an essential element of which is dishonesty, or (iii) directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining a license.

(5) Professional incompetence or gross negligence.

(6) Gross malpractice.

(7) Aiding or assisting another person in violating any provision of this Act or its rules.

(8) Failing to provide information within 60 days in response to a written request made by the Department.

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.

(11) Discipline by another U.S. 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.

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered. This shall not be deemed to include rent or other remunerations paid to an individual, partnership, or corporation by a licensed midwife for the lease, rental, or use of space, owned or controlled by the individual, partnership, corporation, or association.

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

(14) Abandonment of a patient without cause.

(15) Willfully making or filing false records or reports relating to a licensee's

practice, including, but not limited to, false records filed with State agencies or departments.

(16) Physical illness or mental illness, including, but not limited to, deterioration through the aging process or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(17) Failure to provide a patient with a copy of his or her record upon the written request of the patient.

(18) Conviction by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of licensed midwifery or conviction in this or another state of any crime that is a felony under the laws of this State or conviction of a felony in a federal court, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

(19) A finding that licensure has been applied for or obtained by fraudulent means.

(20) Being named as a perpetrator in an indicated report by the Department of Healthcare and Family Services under the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or a neglected child, as defined in the Abused and Neglected Child Reporting Act.

(21) Practicing or attempting to practice under a name other than the full name shown on a license issued under this Act.

(22) Immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice.

(23) Maintaining a professional relationship with any person, firm, or corporation when the licensed midwife knows or should know that a person, firm, or corporation is violating this Act.

(24) Failure to provide satisfactory proof of having participated in approved continuing education programs as determined by the Board and approved by the Secretary. Exceptions for extreme hardships are to be defined by the Department.

(b) The Department may refuse to issue or may suspend the license of any person who fails to (i) file a tax return or to pay the tax, penalty, or interest shown in a filed return or (ii) pay any final assessment of the tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the time that the requirements of that tax Act are satisfied.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension shall end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Secretary that the licensee be allowed to resume his or her practice.

(d) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any person licensed to practice under this Act or who has applied for licensure or certification pursuant to this Act to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Department. The Department may order an 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 person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination when directed shall be grounds for suspension of a license until the person submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department finds an individual unable to practice because of the reasons set forth in this subsection (d), the Department may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice or, in lieu of care, counseling, or treatment, the Department may file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. Any person whose license was granted, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Secretary for a determination as to whether or not the person shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Secretary immediately suspends a person's license under this Section, 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 may review the person'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.

A person licensed under this Act and affected under this subsection (d) shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

Section 100. Failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until restitution is made in full.

Section 105. Injunction; cease and desist order.

(a) If a person violates any provision of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General or the State's Attorney of any county in which the action is brought, petition for an order enjoining the violation or enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person practices as a licensed midwife or holds himself or herself out as a licensed midwife without being licensed under the provisions of this Act, then any licensed midwife, any interested party, or any person injured thereby may, in addition to the Secretary, petition for relief as provided in subsection (a) of this Section.

(c) Whenever, in the opinion of the Department, any person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days after the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

Section 110. Violation; criminal penalty.

(a) Whoever knowingly practices or offers to practice midwifery in this State without being licensed for that purpose or exempt under this Act shall be guilty of a Class A misdemeanor and, for each subsequent conviction, shall be guilty of a Class 4 felony.

(b) Any person who is found to have violated any other provision of this Act is guilty of a Class A misdemeanor.

(c) Notwithstanding any other provision of this Act, all criminal fines, moneys, or other property collected or received by the Department under this Section or any other State or federal statute, including, but not limited to, property forfeited to the Department under Section 505 of the Illinois Controlled Substances Act or Section 85 of the Methamphetamine Control and Community Protection Act, shall be deposited into the Professional Regulation Evidence Fund.

Section 115. Investigation; notice; hearing. The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license under this Act. Before refusing to issue or to renew or taking any disciplinary action regarding a license, the Department shall, at least 30 days prior to the date set for the hearing, notify in writing the applicant or licensee of the nature of any charges and that a hearing shall be held on a date designated. The Department shall direct the applicant or licensee to file a written answer with the Board under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer shall result in default being taken against the applicant or licensee and that the license may be suspended, revoked, or placed on probationary status or that other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Secretary may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of his or her last notification to the Department. If the person fails to file an answer after receiving notice, his or her license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take any disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At

the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence, and argument as may be pertinent to the charges or to their defense. The Board may continue a hearing from time to time.

Section 120. Formal hearing; preservation of record. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board or hearing officer, and order of the Department shall be the record of the proceeding. The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law.

Section 125. Witnesses; production of documents; contempt. Any circuit court may upon application of the Department or its designee or of the applicant or licensee against whom proceedings under Section 95 of this Act are pending, 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.

Section 130. Subpoena; oaths. The Department shall have the power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition or both with the same fees and mileage and in the same manner as prescribed in civil cases in circuit courts of this State. The Secretary, the designated hearing officer, and every member of the Board has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department. Any circuit court may, upon application of the Department or its designee or upon application of the person against whom proceedings under this Act are pending, 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.

Section 135. Findings of fact, conclusions of law, and recommendations. At the conclusion of the hearing the Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding as to whether or not the accused person violated this Act or failed to comply with the conditions required under this Act. The Board shall specify the nature of the violation or failure to comply and shall make its recommendations to the Secretary.

The report of findings of fact, conclusions of law, and recommendations of the Board shall be the basis for the Department's order. If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order in contravention of the report. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

Section 140. Hearing officer. The Secretary may appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for departmental refusal to issue, renew, or license an applicant or for disciplinary action against a licensee. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and the Secretary. The Board shall have 60 calendar days after receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Secretary. If the Board fails to present its report within the 60-day period, the Secretary may issue an order based on the report of the hearing officer. If the Secretary disagrees with the recommendation of the Board or the hearing officer, he or she may issue an order in contravention of that recommendation.

Section 145. Service of report; motion for rehearing. In any case involving the discipline of a license, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after the service, the respondent may present to the Department a motion in writing for a rehearing that shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a motion for rehearing is denied, then upon the denial, the Secretary may enter an order in accordance with this Act. If the respondent orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which the motion may be filed shall commence upon the delivery of the transcript to the respondent.

Section 150. Rehearing. Whenever the Secretary is satisfied that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license, the Secretary may order a rehearing by the same or another hearing officer or by the Board.

Section 155. Prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof of the following:

(1) that the signature is the genuine signature of the Secretary;

(2) that such Secretary is duly appointed and qualified; and

(3) that the Board and its members are qualified to act.

Section 160. Restoration of license. At any time after the suspension or revocation of any license, the Department may restore the license to the accused person, unless after an investigation and a hearing the Department determines that restoration is not in the public interest.

Section 165. Surrender of license. Upon the revocation or suspension of any license, the licensee shall immediately surrender the license to the Department. If the licensee fails to do so, the Department shall have the right to seize the license.

Section 170. Summary suspension. The Secretary may summarily suspend the license of a licensee under this Act without a hearing, simultaneously with the institution of proceedings for a hearing provided for in this Act, if the Secretary finds that evidence in his or her possession indicates that continuation in practice would constitute an imminent danger to the public. In the event that the Secretary summarily suspends a license without a hearing, a hearing by the Department must be held within 30 days after the suspension has occurred.

Section 175. Certificate of record. 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 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. Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

Section 180. Administrative Review Law. All final administrative decisions of the Department are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Section 185. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of such Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the license is specifically excluded. For purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

Section 190. Home rule. Pursuant to paragraph (h) of Section 6 of Article VII of the Illinois Constitution of 1970, the power to regulate and issue licenses for the practice of midwifery shall, except as may otherwise be provided within and pursuant to the provisions of this Act, be exercised by the State and may not be exercised by any unit of local government, including home rule units.

Section 193. Rulemaking conditions. Rulemaking authority to implement this Act, 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.

Section 195. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 900. The Regulatory Sunset Act is amended by adding Section 4.30 as follows:

(5 ILCS 80/4.30 new)

Sec. 4.30. Act repealed on January 1, 2020. The following Act is repealed on January 1, 2020:

The Home Birth Safety Act.

Section 905. The Medical Practice Act of 1987 is amended by changing Section 4 as follows:

(225 ILCS 60/4) (from Ch. 111, par. 4400-4)

(Section scheduled to be repealed on December 31, 2010)

Sec. 4. Exemptions.

(a) This Act does not apply to the following:

(1) persons lawfully carrying on their particular profession or business under any valid existing regulatory Act of this State, including without limitation persons engaged in the practice of midwifery who are licensed under the Home Birth Safety Act;

(2) persons rendering gratuitous services in cases of emergency;

(3) persons treating human ailments by prayer or spiritual means as an exercise or enjoyment of religious freedom; or

(4) persons practicing the specified occupations set forth in in subsection (a) of, and pursuant to a licensing exemption granted in subsection (b) or (d) of, Section 2105-350 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, but only for so long as the 2016 Olympic and Paralympic Games Professional Licensure Exemption Law is operable.

(b) (Blank).

(Source: P.A. 96-7, eff. 4-3-09.)

Section 910. The Nurse Practice Act is amended by changing Section 50-15 as follows:

(225 ILCS 65/50-15) (was 225 ILCS 65/5-15)

(Section scheduled to be repealed on January 1, 2018)

Sec. 50-15. Policy; application of Act.

(a) For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice advanced, professional, or practical nursing in Illinois shall submit evidence that he or she is qualified to practice, and shall be licensed as provided under this Act. No person shall practice or offer to practice advanced, professional, or practical nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional or practical nursing unless such person has been licensed under the provisions of this Act.

(b) This Act does not prohibit the following:

(1) The practice of nursing in Federal employment in the discharge of the employee's duties by a person who is employed by the United States government or any bureau, division or agency thereof and is a legally qualified and licensed nurse of another state or territory and not in conflict with Sections 50-50, 55-10, 60-10, and 70-5 of this Act.

(2) Nursing that is included in the program of study by students enrolled in programs of nursing or in current nurse practice update courses approved by the Department.

(3) The furnishing of nursing assistance in an emergency.

(4) The practice of nursing by a nurse who holds an active license in another state when providing services to patients in Illinois during a bonafide emergency or in immediate preparation for or during interstate transit.

(5) The incidental care of the sick by members of the family, domestic servants or housekeepers, or care of the sick where treatment is by prayer or spiritual means.

(6) Persons from being employed as unlicensed assistive personnel in private homes, long term care facilities, nurseries, hospitals or other institutions.

(7) The practice of practical nursing by one who is a licensed practical nurse under the laws of another U.S. jurisdiction and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a licensed practical nurse and who is qualified to receive such license under this Act, until (i) the expiration of 6 months after the filing of such written application, (ii) the withdrawal of such application, or (iii) the denial of such application by the Department.

(8) The practice of advanced practice nursing by one who is an advanced practice nurse under the laws of another state, territory of the United States, or country and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as an advanced practice nurse and who is qualified to receive such license under this Act, until (i) the expiration of 6 months after the filing of such written application, (ii) the withdrawal of such application, or (iii) the denial of such application by the Department.

(9) The practice of professional nursing by one who is a registered professional nurse under the laws of another state, territory of the United States or country and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a registered professional nurse and who is qualified to receive such license under Section 55-10, until (1) the expiration of 6 months after the filing of such written application, (2) the withdrawal of such application, or (3) the denial of such application by the Department.

(10) The practice of professional nursing that is included in a program of study by one who is a registered professional nurse under the laws of another state or territory of the United States or foreign country, territory or province and who is enrolled in a graduate nursing education program or a program for the completion of a baccalaureate nursing degree in this State, which includes clinical supervision by faculty as determined by the educational institution offering the program and the health care organization where the practice of nursing occurs.

(11) Any person licensed in this State under any other Act from engaging in the practice for which she or he is licensed, including without limitation any person engaged in the practice of

midwifery who is licensed under the Home Birth Safety Act.

(12) Delegation to authorized direct care staff trained under Section 15.4 of the Mental Health and Developmental Disabilities Administrative Act consistent with the policies of the Department.

(13) The practice, services, or activities of persons practicing the specified occupations set forth in subsection (a) of, and pursuant to a licensing exemption granted in subsection (b) or (d) of, Section 2105-350 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, but only for so long as the 2016 Olympic and Paralympic Games Professional Licensure Exemption Law is operable.

(14) ~~(13)~~ County correctional personnel from delivering prepackaged medication for self-administration to an individual detainee in a correctional facility.

Nothing in this Act shall be construed to limit the delegation of tasks or duties by a physician, dentist, or podiatrist to a licensed practical nurse, a registered professional nurse, or other persons.

(Source: P.A. 95-639, eff. 10-5-07; 95-876, eff. 8-21-08; 96-7, eff. 4-3-09; 96-516, eff. 8-14-09; revised 9-15-09.)".

AMENDMENT NO. 2. Amend Senate Bill 3712, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, as follows:

on page 3, by replacing lines 16 and 17 with the following:

"Section 20. Unlicensed practice. Beginning July 1, 2012, no person may practice, attempt"

on page 25, by replacing lines 8 through 11 with the following:

"(f) Four Board members shall constitute a quorum. A quorum is required to perform all of the duties of the Board."; and

on page 27, line 21, by replacing "August 31, 2010" with "September 30, 2012"; and

on page 49, by deleting lines 13 through 18; and

by replacing page 49, line 21 through page 50, line 4 with the following:

"Section 900. The Regulatory Sunset Act is amended by changing Section 4.31 as follows:

(5 ILCS 80/4.31)

Sec. 4.31. Acts ~~Act~~ repealed on January 1, 2021. The following Acts are ~~Act is~~ repealed on January 1, 2021:

The Crematory Regulation Act.

The Cemetery Oversight Act.

The Home Birth Safety Act.

The Illinois Health Information Exchange and Technology Act.

The Radiation Protection Act of 1990.

(Source: P.A. 96-1041, eff. 7-14-10; 96-1331, eff. 7-27-10; incorporates P.A. 96-863, eff. 3-1-10; revised 9-9-10.)"; and

by replacing page 51, line 7 through page 55, line 9 with the following:

"Section 910. The Nurse Practice Act is amended by changing Section 50-15 as follows:

(225 ILCS 65/50-15) (was 225 ILCS 65/5-15)

(Section scheduled to be repealed on January 1, 2018)

Sec. 50-15. Policy; application of Act.

(a) For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice advanced, professional, or practical nursing in Illinois shall submit evidence that he or she is qualified to practice, and shall be licensed as provided under this Act. No person shall practice or offer to practice advanced, professional, or practical nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional or practical nursing unless such person has been licensed under the provisions of this Act.

(b) This Act does not prohibit the following:

(1) The practice of nursing in Federal employment in the discharge of the employee's duties by a person who is employed by the United States government or any bureau, division or agency thereof and is a legally qualified and licensed nurse of another state or territory and not in conflict with Sections 50-50, 55-10, 60-10, and 70-5 of this Act.

(2) Nursing that is included in the program of study by students enrolled in programs of nursing or in current nurse practice update courses approved by the Department.

(3) The furnishing of nursing assistance in an emergency.

(4) The practice of nursing by a nurse who holds an active license in another state when providing services to patients in Illinois during a bonafide emergency or in immediate preparation for or during interstate transit.

(5) The incidental care of the sick by members of the family, domestic servants or housekeepers, or care of the sick where treatment is by prayer or spiritual means.

(6) Persons from being employed as unlicensed assistive personnel in private homes, long term care facilities, nurseries, hospitals or other institutions.

(7) The practice of practical nursing by one who is a licensed practical nurse under the laws of another U.S. jurisdiction and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a licensed practical nurse and who is qualified to receive such license under this Act, until (i) the expiration of 6 months after the filing of such written application, (ii) the withdrawal of such application, or (iii) the denial of such application by the Department.

(8) The practice of advanced practice nursing by one who is an advanced practice nurse under the laws of another state, territory of the United States, or country and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as an advanced practice nurse and who is qualified to receive such license under this Act, until (i) the expiration of 6 months after the filing of such written application, (ii) the withdrawal of such application, or (iii) the denial of such application by the Department.

(9) The practice of professional nursing by one who is a registered professional nurse under the laws of another state, territory of the United States or country and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a registered professional nurse and who is qualified to receive such license under Section 55-10, until (1) the expiration of 6 months after the filing of such written application, (2) the withdrawal of such application, or (3) the denial of such application by the Department.

(10) The practice of professional nursing that is included in a program of study by one who is a registered professional nurse under the laws of another state or territory of the United States or foreign country, territory or province and who is enrolled in a graduate nursing education program or a program for the completion of a baccalaureate nursing degree in this State, which includes clinical supervision by faculty as determined by the educational institution offering the program and the health care organization where the practice of nursing occurs.

(11) Any person licensed in this State under any other Act from engaging in the practice for which she or he is licensed, including, without limitation, any person engaged in the practice of midwifery who is licensed under the Home Birth Safety Act.

(12) Delegation to authorized direct care staff trained under Section 15.4 of the Mental Health and Developmental Disabilities Administrative Act consistent with the policies of the Department.

(13) The practice, services, or activities of persons practicing the specified occupations set forth in subsection (a) of, and pursuant to a licensing exemption granted in subsection (b) or (d) of, Section 2105-350 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, but only for so long as the 2016 Olympic and Paralympic Games Professional Licensure Exemption Law is operable.

(14) County correctional personnel from delivering prepackaged medication for self-administration to an individual detainee in a correctional facility.

Nothing in this Act shall be construed to limit the delegation of tasks or duties by a physician, dentist, or podiatrist to a licensed practical nurse, a registered professional nurse, or other persons.

(Source: P.A. 95-639, eff. 10-5-07; 95-876, eff. 8-21-08; 96-7, eff. 4-3-09; 96-516, eff. 8-14-09; 96-1000, eff. 7-2-10.)

Section 999. Effective date. This Act takes effect July 1, 2011.".

The foregoing motion prevailed and the amendments were adopted.

Floor Amendment No. 3 remained in the Committee on Rules.

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

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 12:00 o'clock p.m.

ACTION ON VETO MOTIONS

Pursuant to the Motion submitted previously, Representative Lang moved to accept the Governor's Specific Recommendations for Change to HOUSE BILL 5055, by adoption of the following amendment:

MOTION

I move to accept the specific recommendations of the Governor as to House Bill 5055 in manner and form as follows:

AMENDMENT TO HOUSE BILL 5055
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 5055 on page 18, by replacing lines 15 and 16 with the following:

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

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

72, Yeas; 42, Nays; 0, Answering Present.

(ROLL CALL 3)

This Motion, having received the votes of three-fifths of the Members elected, prevailed.

Ordered that the Clerk inform the Senate and ask their concurrence in the Governor's Specific Recommendations for Change.

At the hour of 3:07 o'clock p.m., Representative Currie moved that the House do now adjourn until Thursday, November 18, 2010, at 10:00 o'clock a.m., allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

NO. 1

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

November 17, 2010

0 YEAS 0 NAYS 114 PRESENT

P Acevedo	P Davis, Monique	P Kosel	P Reboletti
P Arroyo	P Davis, William	P Lang	P Reis
P Bassi	P DeLuca	P Leitch	P Reitz
P Beaubien	E Dugan	P Lilly	P Riley
P Beiser	P Dunkin	P Lyons	P Rita
P Bellock	P Durkin	P Mathias	P Rose
P Berrios	P Eddy	P Mautino	P Sacia
P Biggins	P Farnham	P May	P Saviano
P Black	P Feigenholtz	P Mayfield	P Schmitz
P Boland	P Flider	P McAsey	P Senger
P Bost	P Flowers	P McAuliffe	P Sente
P Bradley	P Ford	P McCarthy	P Smith
P Brady	P Fortner	P McGuire	P Sommer
P Brauer	P Franks	P Mell	P Soto
P Burke	P Fritchey	P Mendoza	P Stephens
P Burns	P Froehlich	P Miller	P Sullivan
P Carberry	P Gabel	P Mitchell, Bill	P Thapedi
P Cavaletto	P Golar	P Mitchell, Jerry	P Tracy
P Chapa LaVia	P Gordon, Careen	P Moffitt	P Tryon
P Coladipietro	P Gordon, Jehan	E Mulligan	P Turner
P Cole	P Hannig	E Myers	P Verschoore
P Collins	P Harris	P Nekritz	P Wait
P Colvin	P Hatcher	P O'Sullivan	P Walker
P Connelly	P Hernandez	P Osmond	P Watson
E Coulson	P Hoffman	P Osterman	P Winters
P Crespo	P Holbrook	P Phelps	P Yarbrough
P Cross	P Howard	P Pihos	P Zalewski
P Cultra	P Jackson	P Poe	P Mr. Speaker
P Currie	P Jakobsson	P Pritchard	
P D'Amico	P Jefferson	P Ramey	

E - Denotes Excused Absence

NO. 2

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE JOINT RESOLUTION 80
RECESS IN SCHOOLS TASK FORCE
ADOPTED

November 17, 2010

71 YEAS 42 NAYS 1 PRESENT

Y Acevedo	Y Davis, Monique	N Kosel	N Reboletti
Y Arroyo	Y Davis, William	Y Lang	N Reis
N Bassi	Y DeLuca	N Leitch	Y Reitz
N Beaubien	E Dugan	Y Lilly	Y Riley
Y Beiser	Y Dunkin	Y Lyons	Y Rita
N Bellock	N Durkin	Y Mathias	N Rose
Y Berrios	N Eddy	Y Mautino	N Sacia
Y Biggins	Y Farnham	Y May	N Saviano
N Black	Y Feigenholtz	Y Mayfield	N Schmitz
Y Boland	Y Flider	Y McAsey	N Senger
N Bost	Y Flowers	N McAuliffe	Y Sente
Y Bradley	Y Ford	Y McCarthy	Y Smith
N Brady	N Fortner	Y McGuire	N Sommer
N Brauer	N Franks	Y Mell	Y Soto
Y Burke	Y Fritchey	Y Mendoza	N Stephens
Y Burns	Y Froehlich	Y Miller	N Sullivan
Y Carberry	Y Gabel	N Mitchell, Bill	Y Thapedi
N Cavaletto	Y Golar	N Mitchell, Jerry	N Tracy
Y Chapa LaVia	Y Gordon, Careen	N Moffitt	N Tryon
N Coladipietro	Y Gordon, Jehan	E Mulligan	Y Turner
N Cole	Y Hannig	E Myers	Y Verschoore
Y Collins	Y Harris	Y Nekritz	N Wait
Y Colvin	N Hatcher	Y O'Sullivan	Y Walker
N Connelly	Y Hernandez	N Osmond	N Watson
E Coulson	Y Hoffman	Y Osterman	N Winters
Y Crespo	Y Holbrook	Y Phelps	Y Yarbrough
N Cross	Y Howard	P Pihos	Y Zalewski
N Cultra	Y Jackson	N Poe	Y Mr. Speaker
Y Currie	Y Jakobsson	N Pritchard	
Y D'Amico	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

NO. 3

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5055
CIVIL LAW-TECH
MOTION TO ACCEPT AMENDATORY VETO
THREE-FIFTHS VOTE REQUIRED
PREVAILED

November 17, 2010

72 YEAS 42 NAYS 0 PRESENT

Y Acevedo	Y Davis, Monique	N Kosel	N Reboletti
Y Arroyo	Y Davis, William	Y Lang	N Reis
N Bassi	Y DeLuca	N Leitch	Y Reitz
N Beaubien	E Dugan	Y Lilly	Y Riley
Y Beiser	Y Dunkin	Y Lyons	Y Rita
N Bellock	Y Durkin	N Mathias	N Rose
Y Berrios	Y Eddy	Y Mautino	Y Sacia
N Biggins	Y Farnham	Y May	N Saviano
N Black	Y Feigenholtz	Y Mayfield	N Schmitz
Y Boland	Y Flider	Y McAsey	N Senger
N Bost	Y Flowers	N McAuliffe	Y Sente
Y Bradley	Y Ford	Y McCarthy	Y Smith
N Brady	N Fortner	Y McGuire	N Sommer
N Brauer	Y Franks	Y Mell	Y Soto
Y Burke	Y Fritchey	Y Mendoza	N Stephens
Y Burns	Y Froehlich	Y Miller	N Sullivan
Y Carberry	Y Gabel	N Mitchell, Bill	Y Thapedi
N Cavaletto	Y Golar	N Mitchell, Jerry	N Tracy
Y Chapa LaVia	Y Gordon, Careen	N Moffitt	N Tryon
N Coladipietro	Y Gordon, Jehan	E Mulligan	Y Turner
N Cole	Y Hannig	E Myers	Y Verschoore
Y Collins	Y Harris	Y Nekritz	N Wait
Y Colvin	N Hatcher	Y O'Sullivan	Y Walker
N Connelly	Y Hernandez	N Osmond	N Watson
E Coulson	Y Hoffman	Y Osterman	N Winters
Y Crespo	Y Holbrook	Y Phelps	Y Yarbrough
N Cross	Y Howard	N Pihos	Y Zalewski
N Cultra	Y Jackson	N Poe	Y Mr. Speaker
Y Currie	Y Jakobsson	N Pritchard	
Y D'Amico	Y Jefferson	N Ramey	

E - Denotes Excused Absence

147TH LEGISLATIVE DAY

Perfunctory Session

WEDNESDAY, NOVEMBER 17, 2010

At the hour of 5:21 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 1491

Offered by Representative Yarbrough:

WHEREAS, Lung cancer is the leading cause of cancer death for both men and women, and within every ethnic population, in Illinois, the United States and the world, this year killing more Americans than breast, prostate, and colon cancer combined; and

WHEREAS, In the United States in 2010, about 222,520 new cases of lung cancer are estimated to be diagnosed (116,750 among men and 105,770 among women); and

WHEREAS, In the United States in 2010, there will be an estimated 157,300 deaths from lung cancer (86,220 among men and 71,080 among women), accounting for about 27% of all cancer deaths; and

WHEREAS, In Illinois in 2010, there will be an estimated 9,190 people who are diagnosed with lung cancer, and it is estimated that over 6,490 residents will succumb to the disease; and

WHEREAS, Lung cancer causes include smoking, secondhand smoke, exposure to toxins and known carcinogens, and genetic abnormalities; and

WHEREAS, 80% of lung cancer cases are diagnosed in people who have never smoked or who have quit smoking; and

WHEREAS, An estimated 90% of lung cancer deaths among men and approximately 80% of lung cancer deaths among women are attributed to smoking; and

WHEREAS, Lung cancer has a poor prognosis; even with treatment, people with advanced non-small cell lung cancer have a 5-year survival rate of less than 5 percent; and

WHEREAS, Increased awareness and coordination among all stakeholders, including federal and state governments, providers, patient groups, community leaders and organizations, the public, businesses, and researchers, is critical to promote the prevention, diagnosis, and treatment of lung cancer; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we proclaim the month of November 2010 as Lung Cancer Awareness Month in the State of Illinois.

HOUSE JOINT RESOLUTION 127

Offered by Representative Smith:

WHEREAS, The State Board of Education has filed its Report on Waiver of School Code Mandates, dated October 1, 2010, with the Senate, the House of Representatives, and the Secretary of State of Illinois as required by Section 2-3.25g of the School Code; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the General Assembly is encouraged to promptly review and evaluate the Report and determine whether to disapprove, in whole or in part, the Report or any waiver request or appealed request outlined in the Report.

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 362 (Gordon, J), 3779 (Currie) and 3965 (Franks).

HOUSE BILLS ON SECOND READING

Having been reproduced, the following bills were taken up, read by title a second time and held on the order of Second Reading: HOUSE BILLS 1365, 1376, 1377, 1382, 1420, 1445, 1469, 1473, 1475, 1509, 1511, 1512, 1516, 1525, 1531, 1535, 1548, 1550, 1565, 1566, 1606, 1631, 1644, 1660, 1698, 1720, 1760, 1803, 1846, 1850, 1856, 1935, 1971, 2008, 2011, 2095 and 2108.

SENATE BILLS ON SECOND READING

Having been reproduced, the following bills were taken up, read by title a second time and held on the order of Second Reading: SENATE BILLS 389 and 2878.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Feigenholtz replaced Representative Dugan in the Committee on State Government Administration on November 17, 2010.

REPORT FROM STANDING COMMITTEES

Representative Froehlich, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on November 17, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 1365.

The committee roll call vote on Amendment No. 1 to House Bill 1365 is as follows:

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

Y Franks(D), Chairperson
Y Wait(R), Republican Spokesperson
Y Boland(D)
Y Burns(D)
Y Crespo(D)
Y Farnham(D)
Y McAsey(D)
A Myers(R)
Y Ramey(R)
Y Feigenholtz (replacing Dugan)
Y Bassi(R)
Y Bost(R)
Y Collins(D)
Y Davis, Monique(D)
Y Froehlich(D)
Y Moffitt(R)
Y Poe(R)

At the hour of 5:25 o'clock p.m., the House Perfunctory Session adjourned.