

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-SIXTH GENERAL ASSEMBLY

158TH LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

MONDAY, JANUARY 3, 2011

5:19 O'CLOCK P.M.

**HOUSE OF REPRESENTATIVES
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158th Legislative Day**

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The House met pursuant to adjournment.
 Speaker of the House Madigan in the chair.
 Prayer by Assistant Doorkeeper of the House Wayne Padget.
 Representative O'Sullivan 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:
 110 present. (ROLL CALL 1)

By unanimous consent, Representatives Biggins, Bradley, Burns, Coladipietro, Mell, Miller, Mulligan and Pritchard were excused from attendance.

RESIGNATION AND APPOINTMENTS

CERTIFICATE OF ORGANIZATION

Democratic Representative Committee for the
 11th Representative District, State of Illinois

This is to certify that, in accordance with Section 8-5 of the Illinois Election Code, the Democratic Representative Committee of the 11th Representative District of the State Of Illinois met on the 29th day of December, 2010, in the municipality of Chicago, County of Cook, and within the 11th Representative District of the State of Illinois, and organized by electing the following officers:

Michele Smith
 CHAIRMAN
2527 N. Lincoln, Chicago, IL 60614
 ADDRESS

John Fritchey
 SECRETARY
2539 N. Southport Ave, Chicago, IL 60614
 ADDRESS

Signed: s/Michele Smith
 CHAIRMAN

Attest: s/John Fritchey
 SECRETARY

December 30, 2010

Bryan A. Schneider
 Chairman
 Illinois State Board of Elections
 1020 S. Spring St.
 Springfield, IL 62704

Hon. Jesse White
 Secretary of State
 213 State House
 Springfield, IL 62706

Hon. Mark Mahoney
 Clerk of the House
 Ill. House of Representatives
 402 State House
 Springfield, IL 62706

RE: 11th Representative District Vacancy in Office

Dear Sirs:

Please be advised that the Democratic Representative District Committee for the 11th Representative District met on December 29th, 2010 to declare the existence of a vacancy in the office of Representative in the General Assembly for the 11th Representative District due to the resignation of John A. Fritchey.

You are hereby notified that the vacancy in office has been filled, in accordance with the Election Code, by the appointment of Kathleen C. Moore, who resides at 2304 North Cleveland, Chicago, Illinois 60614 in the 11th Representative District of the State of Illinois and who is a member of the Democratic Party, to fill the vacancy in office of Representative in the General Assembly for the 11th Representative District of the State Of Illinois for the remainder of the term.

s/Michele Smith
Committeeman, Chair

s/John Fritchey
Committeeman, Secretary

CERTIFICATE OF APPOINTMENT TO FILL VACANCY IN THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY

WHEREAS, a vacancy currently exists in the office of Representative in the General Assembly from the 11th Representative District of the State of Illinois, by reason of the December 28, 2010 resignation of John A. Fritchey; and

WHEREAS, the Democratic Representative Committee of the 11th Representative District has declared the existence of a vacancy in said office and has voted to fill the vacancy in accordance with Section 25-6 of the Election Code; and

WHEREAS, at a meeting of the Democratic Representative Committee of the 11th Representative District on December 29, 2010, Kathleen C. Moore, who resides at 2304 North Cleveland, Chicago, Illinois 60614 in the 11th Representative District of the State of Illinois, received the required number of votes for appointment to fill the vacancy in office, pursuant to Section 25-6 of the Election Code; therefore

BE IT RESOLVED, on this 29th day of December, 2010, that the Democratic Representative Committee of the 11th Representative District of the State Of Illinois hereby appoints Kathleen C. Moore, who resides at 2304 North Cleveland, Chicago, Illinois 60614 in the 11th Representative District of the State of Illinois, who is eligible to serve as a member of the General Assembly, and who is a member of the Democratic Party, as the Representative in the General Assembly from the 11th Representative District of the State of Illinois for the remainder of the term.

s/John Fritchey
Committeeman, Democratic Representative
Committee for the 11th Representative District

s/Michele Smith
Committeeman, Democratic Representative
Committee for the 11th Representative District

State of Illinois)
) ss.
County of Cook)

Subscribed and sworn to before me on this 29 day of December, 2010.

s/John A. Fritchey
Notary Public

OATH OF OFFICE

State of Illinois)
) ss.
County of Cook)

I, Kathleen C. Moore, do solemnly swear and affirm that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and I will faithfully discharge the duties of the office of Representative in the General Assembly for the 11th Representative District of the State of Illinois to the best of my ability.

Signed: s/Kathleen C. Moore

Date: December 29, 2010

Subscribed and Sworn to before me on this 29th day of December, 2010.

s/John A. Fritchey
Judge or Notary Public

REPORTS

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

Letter and Enclosure to Satisfy the Statutory Requirements of the Illinois Enterprise Zone Act for Designating Navistar, Inc. and its Affiliates as an Illinois High Impact Business, submitted by Illinois Department of Commerce and Economic Opportunity on December 16, 2010.

County Employees' Annuity & Benefit Fund for the Forest Preserve District Annuity & Benefit Fund 2010 Report, submitted by Cook County Pension Fund on December 27, 2010.

Social Security Number Protection Task Force Report, submitted by Office of the Attorney General on December 27, 2010.

Report Regarding the Use of Emerging Investment Managers for Fiscal Year 2010, submitted by State Universities Retirement System of Illinois on December 27, 2010.

Office of Consumer Health Insurance 2009 Annual Report, submitted by Illinois Department of Insurance on December 27, 2010.

2010 Fiscal Year Report on the Hiring of Ex-Offenders by State Vendors, submitted by Department of Central Management Services on December 28, 2010.

2010 Fiscal Year Report on the Hiring of Veterans by State Vendors, submitted by Department of Central Management Services on December 28, 2010.

2010 Fiscal Year Reports on the Financial Operations of the Build Illinois Capital Revolving Loan Fund, Illinois Equity Fund, and Large Business Attraction Fund, submitted by Illinois Department of Commerce and Economic Opportunity on December 28, 2010.

Report Providing the Illinois Legislature and the Office of the Governor with an Understanding of the Variables Associated with the Chicago VA Regional Office's Decisions of Veterans' Disability Benefits, submitted by Department of Veterans' Affairs on December 29, 2010.

Report Regarding the Implementation of an Internet-Based Geographic Information System, submitted by Illinois Department of Agriculture on December 29, 2010.

Budget Statements Prepared in Accordance with the Requirements of Public Act 96-958, submitted by Governor's Office of Management and Budget on December 29, 2010.

Annual Report on Public University Tuition and Fee Waivers, submitted by Illinois Board of Higher Education on December 29, 2010.

Criminal History Record Checks Task Force, submitted by The Criminal History Record Checks Task Force Members on December 29, 2010.

Annual Report to the Governor's Office Regarding the Status of Progress Toward Smoothing the Transition for Adults as They Age out of the Medically Fragile, Technology Dependent Home and Community-Based Services Children's Waiver to the Persons with Disabilities HCBS Waiver, submitted by Department of Human Services on December 29, 2010.

Report on Future Governance of Navy Pier, submitted by James R. Reilly, Trustee of the Metropolitan Pier and Exposition Authority on December 30, 2010.

Report Assessing School Construction Needs in Illinois, submitted by Illinois State Board of Education on December 30, 2010.

Annual Report Summary 2010, submitted by Department of Central Management Services on December 30, 2010.

Healthcare for Illinois Veterans, submitted by Illinois Department of Healthcare and Family Services and Illinois Department of Veterans' Affairs on December 30, 2010.

Streamlined Auditing and Monitoring of Community Based Services: First Steps Toward a More Efficient System for Providers, State Government, and the Community, submitted by Department of Human Services, Department of Children and Family Services, Department of Healthcare and Family Services, and Department of Public Health on January 3, 2011.

LETTER OF TRANSMITTAL

January 3, 2011

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

Dear Clerk Mahoney:

Please be advised that I am extending the Final Action Deadline to January 11, 2011 for the following House and Senate Bills:

House Bills: 1454 and 1665.

House Joint Resolution Constitutional Amendment: 62

Senate Bills: 647, 2525, 3952 and 3973.

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

With kindest personal regards, I remain

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

January 3, 2011

Mark Mahoney
Clerk of the House
HOUSE OF REPRESENTATIVES
420 Capitol Building
Springfield, IL 62706

Dear Mr. Clerk:

Effective immediately, Representative Michael J. Madigan is appointed as a permanent member of the House Executive Committee replacing Art Turner.

Please contact Tim Mapes, my Chief of Staff, at 782-6360 for further information.

With kindest personal regards, I remain

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

January 3, 2011

Mark Mahoney
Clerk of the House
420 Statehouse
Springfield, IL 62706

Dear Mr. Clerk:

Effective immediately, Representative JoAnn Osmond is appointed to the House Rules Committee replacing Bill Black.

Please feel free to contact my office if you have any questions.

Sincerely,
s/ Tom Cross
House Republican Leader

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Hannig replaced Representative Burns in the Committee on State Government Administration on January 3, 2011.

Representative Flider replaced Representative Franks in the Committee on State Government Administration on January 3, 2011.

Representative Chapa LaVia replaced Representative Boland in the Committee on State Government Administration on January 3, 2011.

Representative Berrios replaced Representative Froehlich in the Committee on State Government Administration on January 3, 2011.

Representative Mautino replaced Representative Collins in the Committee on State Government Administration on January 3, 2011.

Representative Jackson replaced Representative Golar in the Committee on Judiciary II - Criminal Law on January 3, 2011.

Representative Thapedi replaced Representative Collins in the Committee on Judiciary II - Criminal Law on January 3, 2011.

Representative Fortner replaced Representative Biggins in the Committee on Executive on January 3, 2011.

Representative Lang replaced Representative Acevedo in the Committee on Executive on January 3, 2011.

Representative Currie replaced Representative Rita in the Committee on Executive on January 3, 2011.

Representative Jackson replaced Representative Rita in the Committee on Executive on January 3, 2011.

Representative Osmond replaced Representative Coladipietro in the Committee on Business & Occupational Licenses on January 3, 2011.

Representative Harris replaced Representative Miller in the Committee on Business & Occupational Licenses on January 3, 2011.

Representative Sullivan replaced Representative Mulligan in the Committee on Business & Occupational Licenses on January 3, 2011.

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on January 3, 2011, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the bill be reported "approved for consideration" and be placed on the order of Second Reading--Short Debate: HOUSE BILLS 1454 and 1665.

That the bill be reported "approved for consideration" and be placed on the order of Third Reading--Short Debate: SENATE BILL 2525.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Executive: SENATE BILL 3952.
 Health Care Availability and Accessibility: SENATE BILL 3973.
 Higher Education: SENATE BILL 647.
 Personnel and Pensions: HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 62,
 Motion to concur with SENATE AMENDMENT No. 2 to HOUSE BILL 306.

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

Y Currie(D), Chairperson	Y Hannig(D)
A Lang(D)	Y Schmitz(R)

REPORTS FROM STANDING COMMITTEES

Representative Dugan, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on January 3, 2011, reported the same back with the following recommendations:

That the Constitutional Amendment be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 61.

The committee roll call vote on House Joint Resolution Constitutional Amendment 61 is as follows:
 10, Yeas; 4, Nays; 0, Answering Present.

Y Flider(D) (replacing Franks)	Y Dugan(D), Vice-Chairperson
A Wait(R), Republican Spokesperson	A Bassi(R)
Y Chapa LaVia(D) (replacing Boland)	N Bost(R)
Y Hannig(D) (replacing Burns)	Y Mautino(D) (replacing Collins)
Y Crespo(D)	Y Davis, Monique(D)
Y Farnham(D)	Y Froehlich(D)
N Hammond(R)	Y McAsey(D)
N Moffitt(R)	N Poe(R)
A Ramey(R)	

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on January 3, 2011, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 1014 and 3976.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 2530.

The committee roll call vote on Senate Bill 1014 is as follows:
 7, Yeas; 3, Nays; 0, Answering Present.

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
N Brady(R), Republican Spokesperson	Y Lang(D) (replacing Acevedo)
Y Arroyo(D)	Y Berrios(D)
N Fortner(R) (replacing Biggins)	A Madigan(D)
Y Currie(D) (replacing Rita)	N Sullivan(R)
Y Tryon(R)	

The committee roll call vote on Senate Bill 2530 is as follows:
 11, Yeas; 0, Nays; 0, Answering Present.

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
Y Brady(R), Republican Spokesperson	Y Lang(D) (replacing Acevedo)
Y Arroyo(D)	Y Berrios(D)

Y Fortner(R) (replacing Biggins)	Y Madigan(D)
Y Jackson(D) (replacing Rita)	Y Sullivan(R)
Y Tryon(R)	

The committee roll call vote on Senate Bill 3976 is as follows:
7, Yeas; 4, Nays; 0, Answering Present.

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
N Brady(R), Republican Spokesperson	Y Lang(D) (replacing Acevedo)
Y Arroyo(D)	Y Berrios(D)
N Fortner(R) (replacing Biggins)	Y Madigan(D)
Y Currie(D) (replacing Rita)	N Sullivan(R)
N Tryon(R)	

Representative Howard, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on January 3, 2011, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 1310.

The committee roll call vote on Senate Bill 1310 is as follows:
5, Yeas; 0, Nays; 0, Answering Present.

Y Howard(D), Chairperson	Y Thapedi(D) (replacing Collins)
A Reboletti(R), Republican Spokesperson	Y Jackson(D) (replacing Golar)
Y McAsey(D)	Y Sacia(R)
A Wait(R)	

Representative Beiser, Chairperson, from the Committee on Business & Occupational Licenses to which the following were referred, action taken on January 3, 2011, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 2814.

The committee roll call vote on Senate Bill 2814 is as follows:
10, Yeas; 0, Nays; 0, Answering Present.

Y Rita(D), Chairperson	A Fritchey(D), Vice-Chairperson
Y Coulson(R), Republican Spokesperson	A Acevedo(D)
Y Arroyo(D)	Y Beiser(D)
A Burke(D)	Y Osmond(R) (replacing Coladipietro)
Y Connelly(R)	A DeLuca(D)
A Holbrook(D)	Y McAuliffe(R)
Y Harris(D) (replacing Miller)	A Mitchell, Bill(R)
Y Sullivan(R) (replacing Mulligan)	Y Saviano(R)

MOTIONS SUBMITTED

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

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 5756.

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

MOTION

I move to concur with Senate Amendments numbered 1 and 4 to HOUSE BILL 4934.

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

MOTION

I move to concur with Senate Amendment No. 2 to HOUSE BILL 306.

Representative Currie submitted the following written motion, which was placed on the Calendar on the order of Motions in Writing:

MOTION

Pursuant to Rule 25, I move to suspend the posting requirements of Rule 21 in relation to SENATE BILLS 352, 647, 3952, 3973 and HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 62 .

CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Careen Gordon was removed as principal sponsor, and Representative Currie became the new principal sponsor of SENATE BILL 2983.

With the consent of the affected members, Representative Reitz was removed as principal sponsor, and Representative Currie became the new principal sponsor of SENATE BILL 1383.

With the consent of the affected members, Representative Fritchey was removed as principal sponsor, and Representative Bradley became the new principal sponsor of SENATE BILL 1066.

With the consent of the affected members, Representative Flider was removed as principal sponsor, and Representative Chapa LaVia became the new principal sponsor of SENATE BILL 3086.

With the consent of the affected members, Representative Lyons was removed as principal sponsor, and Representative Rita became the new principal sponsor of SENATE BILL 2814.

With the consent of the affected members, Representative Bradley was removed as principal sponsor, and Representative Jackson became the new principal sponsor of SENATE BILL 2530.

With the consent of the affected members, Representative Berrios was removed as principal sponsor, and Representative Reitz became the new principal sponsor of SENATE BILL 1927.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative William Davis became the new principal sponsor of HOUSE BILL 1665.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative William Davis became the new principal sponsor of HOUSE BILL 1454.

With the consent of the affected members, Representative Nekritz was removed as principal sponsor, and Representative Bellock became the new principal sponsor of HOUSE BILL 4934.

With the consent of the affected members, Representative Farnham was removed as principal sponsor, and Representative Madigan became the new principal sponsor of HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 61.

HOUSE RESOLUTION

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

HOUSE RESOLUTION 1566

Offered by Representative Beaubien:

WHEREAS, Economic growth and increased opportunity are of utmost importance in this current economic downturn; and

WHEREAS, New commercial, residential, and affordable housing development plays an important role in stimulating economic growth, job creation, and infrastructure and environmental improvements in the State of Illinois; and

WHEREAS, New real estate development, especially in the commercial, residential, and affordable housing fields, plays an important role in maintaining property values and in maintaining the financial stability of units of government at all levels throughout the State of Illinois; and

WHEREAS, Many public pensions have suffered decreases in the value of their investment portfolios; many of those portfolios have investments in real estate partnerships; and

WHEREAS, Public-private partnerships play a key role in encouraging and accelerating commercial, residential, and affordable housing development projects, thereby helping to improve our nation's communities; and

WHEREAS, There is an inherent risk associated with commercial, residential, and affordable housing development projects; and

WHEREAS, Partnerships are widely used in real estate projects in order to provide flexibility in allocating risks and potential rewards in real estate projects; and

WHEREAS, Current legislative proposals in Congress, including H.R. 4213, would re-characterize carried interest, currently treated as capital gains, as ordinary income, thereby discouraging real estate partnerships from investing in Illinois; this proposal could also depress economic activity across our State and jeopardize the stability of property values and the value of any pension funds which may be invested in such real estate partnerships; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we respectfully urge the United States Congress and the President of the United States to maintain the current capital gains tax treatment or classification for tax purposes of promoted or carried interest used by real estate partnerships; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Majority and Minority Leaders of the United States Senate, the Speaker and Minority Leader of the United States House of Representatives, and each member of the Illinois congressional delegation.

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 1532

Offered by Representative Froehlich:

Congratulates Illinois State Representative Mike Boland on his retirement from the Illinois House of Representatives.

HOUSE RESOLUTION 1533

Offered by Representative Durkin:

Congratulates the members of the Lyons Township High School Lions girls volleyball team on the occasion of winning the IHSA Class 4A State Tournament.

HOUSE RESOLUTION 1534

Offered by Representative Hoffman:
Mourns the death of Edward Nelson Juneau of Glen Carbon, formerly of Granite City.

HOUSE RESOLUTION 1535

Offered by Representative Cross:
Mourns the death of Ronald Edward Santo.

HOUSE RESOLUTION 1536

Offered by Representative Bellock:
Congratulates Erin Vaughan, 2010 Chicago Jefferson Award Winner.

HOUSE RESOLUTION 1537

Offered by Representative Howard:
Congratulates Stanley L. Hill on his swearing-in as Judge of the Circuit Court of Cook County.

HOUSE RESOLUTION 1538

Offered by Representative Cross:
Congratulates Ariel Michalek of Oswego East High School on becoming the Cross Country State Champion.

HOUSE RESOLUTION 1539

Offered by Representative Cross:
Congratulates Marcus Jones for his 4th place finish in the 400-meter dash event at the 2009 IHSA State Track and Field Meet.

HOUSE RESOLUTION 1540

Offered by Representative Cross:
Congratulates Rebecca Hatcher for her 7th place finish in the 100-yard butterfly event at the 2010 IHSA State Meet.

HOUSE RESOLUTION 1541

Offered by Representative Miller:
Congratulates Dr. Sheila R. Brown on her installation as the 87th President of the National Dental Association on December 18, 2010.

HOUSE RESOLUTION 1542

Offered by Representative Lilly:
Mourns the death of Odie Marie Conner.

HOUSE RESOLUTION 1543

Offered by Representative William Davis:
Honors United States Army Captain Angela M. Bulanda for her service to our country and welcomes her back to the State of Illinois following her tour of service.

HOUSE RESOLUTION 1544

Offered by Representative McCarthy:

Congratulates the members of the St. Michael of Orland Park varsity football team on the occasion of winning the Southside Catholic Conference varsity football championship.

HOUSE RESOLUTION 1545

Offered by Representative Bradley:
Mourns the death of A.L. Lukens of West Frankfort.

HOUSE RESOLUTION 1546

Offered by Representative Bradley:
Mourns the death of Bill Morris of West Frankfort.

HOUSE RESOLUTION 1547

Offered by Representative Bradley:
Mourns the death of Wilhelm Herb Tauscher of Christopher.

HOUSE RESOLUTION 1548

Offered by Representative Bradley:
Mourns the death of Darrell "Del" Rea of Christopher.

HOUSE RESOLUTION 1549

Offered by Representative Mautino:
Honors our esteemed colleague, Illinois State Representative Careen Gordon, for her years of dedicated service to the people of Illinois and the Illinois House of Representatives.

HOUSE RESOLUTION 1550

Offered by Representative Crespo:
Congratulates State Representative Paul Froehlich on his retirement from the Illinois House of Representatives.

HOUSE RESOLUTION 1551

Offered by Representative Holbrook:
Congratulates and thanks Illinois State Representative Michael K. Smith for his 16 years of service on behalf of the people of the State of Illinois.

HOUSE RESOLUTION 1552

Offered by Representative Bradley:
Congratulates State Representative Robert Flider on his retirement from the Illinois House of Representatives.

HOUSE RESOLUTION 1553

Offered by Representative Currie:
Recognizes State Representative Betsy Hannig for her service and hard work on behalf of the people of the State of Illinois.

HOUSE RESOLUTION 1554

Offered by Representative Reitz:

Honors our esteemed colleague, Illinois State Representative Jay Hoffman, for his dedicated service to the people of the State of Illinois.

HOUSE RESOLUTION 1555

Offered by Representative Nekritz:

Honors our esteemed colleague, Illinois State Representative Mark Walker, for his dedicated service to the people of the State of Illinois.

HOUSE RESOLUTION 1556

Offered by Representative D'Amico:

Applauds and thanks Paramedic-in-Charge Riki Kaelin and Firefighter/Paramedic Timothy Rottman of the Chicago Fire Department for their professionalism, dedication, and decisive action in administering medical attention to a man at the Chicago Blackhawks Victory Parade and Championship Rally in Chicago.

HOUSE RESOLUTION 1557

Offered by Representative Phelps:

Congratulates Michael "Miki" Pavelonis on the occasion of her retirement after many years of service with the Illinois Comptroller's Office.

HOUSE RESOLUTION 1558

Offered by Representative Cross:

WHEREAS, The members of the Illinois House of Representatives are saddened to learn of the death of State Representative Richard P. Myers of Colchester, who passed away on December 1, 2010; and

WHEREAS, He was born to John and Martha Myers on December 27, 1947 in Macomb; he married Christine Sims on August 9, 1975 in North Henderson; he graduated from Colchester High School in 1966 and earned a Bachelor of Science in Agronomy from Western Illinois University in 1973; and

WHEREAS, Representative Myers farmed his family farm for 29 years and served 6 years in the United States Army Reserves; he was an active member and elder of the Scotland Trinity Presbyterian Church; and

WHEREAS, During his farming career, Representative Myers was active in the Farm Bureau organization, serving in various capacities at the local, State, and national levels; he served 12 years as a member of the board of directors of the Illinois Farm Bureau; during that time he represented the Illinois Farm Bureau on the board of directors of the Interstate Producers Livestock Association, the U.S. Meat Export Federation, and numerous other agricultural organizations; and

WHEREAS, Representative Myers served several years as minority spokesperson of the Appropriations-Higher Education Committee and was a strong advocate for increased funding for the State's public colleges and universities, as well as for the State's community college system; and

WHEREAS, Representative Myers served on the Agriculture and Conservation, Higher Education, State Government Administration, Elections and Campaign Reform, and Renewable Energy Committees; he served as a member of the Passenger Rail Caucus, a group of legislators advocating for continued and expanded Amtrak service throughout the State; and

WHEREAS, Representative Myers was co-chair of the Commission on Government Forecasting and Accountability, a bi-partisan legislative commission of members from both chambers; their responsibilities include forecasting State revenue projections, oversight of employee insurance programs, and conducting hearings on the proposed closure of State facilities; and

WHEREAS, Beyond the State of Illinois, Representative Myers served as co-chair of the Agriculture and Natural Resources Committee of the Midwest Legislative Conference of the Council of State Governments; and

WHEREAS, Representative Myers was preceded in death by his son, Nicholas; his father, John; and his brother, Wendell, who died in infancy; and

WHEREAS, Representative Myers is survived by his wife, Chris; his daughter, Alison; his mother, Martha; his brothers, Donald (Sue) Myers and Charles (Ann) Myers; and numerous nieces and nephews; and

WHEREAS, Representative Myers will be remembered as a thoughtful and hardworking legislator who always put his family and constituents first; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn, along with his family, friends, and constituents, the passing of State Representative Richard Myers; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of State Representative Richard Myers as a symbol of our sincere sympathy.

HOUSE RESOLUTION 1559

Offered by Representative Cross:

Congratulates State Representative Ron Wait on his years of service to the people of the State of Illinois.

HOUSE RESOLUTION 1560

Offered by Representative Cross:

Congratulates Representative Suzanne "Suzie" Bassi on her retirement from the Illinois House of Representatives.

HOUSE RESOLUTION 1561

Offered by Representative Cross:

Congratulates Representative Elizabeth Coulson for her outstanding service and hard work on behalf of the people of the State of Illinois.

HOUSE RESOLUTION 1562

Offered by Representative Cross:

Congratulates Representative Bob Biggins on his retirement from the Illinois House of Representatives.

HOUSE RESOLUTION 1563

Offered by Representative Beiser:

Mourns the death of William L. Helvie.

HOUSE RESOLUTION 1564

Offered by Representative Bradley:

Mourns the death of Carolyn W. Bradley of Eldorado.

HOUSE RESOLUTION 1565

Offered by Representative Bradley:

Mourns the death of John "Tex" Calvert of Carterville.

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 4:54 o'clock p.m.

Supplemental Calendar No. 2 was distributed to the Members at 5:26 o'clock p.m.

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 1454 and 1665.

SENATE BILLS ON 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 1014 and 1310.

SENATE BILL 2530. Having been reproduced, was taken up and read by title a second time.
The following amendment was offered in the Committee on Executive, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 2530 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 October 14, 1993 and extended on August 2, 2010 by the City of Venice.

(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."

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

SENATE BILL 2814. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend Senate Bill 2814 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Fire Equipment Distributor and Employee Regulation Act of 2011.

Section 5. Definitions. As used in this Act:

(a) "Employee" means a licensee or a person who is currently employed by a distributor licensed under this Act whose full or part-time duties include servicing, recharging, hydro-testing, installing, maintaining, or inspecting all types of fire extinguishing devices or systems, other than water sprinkler systems.

(b) "Board" means the Fire Equipment Distributor and Employee Advisory Board.

(c) "Person" means a natural person or any company, corporation, or other business entity.

(d) "Fire equipment distributor" means any person, company or corporation that services, recharges, hydro-tests, inspects, installs, maintains, alters, repairs, replaces, or services fire extinguishing devices or systems, other than water sprinkler systems, for customers, clients, or other third parties. "Fire equipment distributor" does not include a person, company, or corporation employing 2,000 or more employees within the State of Illinois that engages in these activities incidental to its own business.

(e) "Public member" means a person who is not a licensee or a relative of a licensee, or who is not an employer or employee of a licensee. The term "relative" shall be determined by rules of the State Fire Marshal.

(f) "Residency" means an actual domicile in Illinois for a period of not less than one year.

(g) "Inspection" means a determination that a fire extinguisher is available in its designated place and has not been actuated or tampered with. "Inspection" does not include the inspection that may be performed by the building owner, tenant, or insurance representative.

(h) "Maintenance" means a determination that an extinguisher will operate effectively and safely. It includes a thorough examination and any necessary repair or replacement. It also includes checking the

date of manufacture or last hydrostatic test to see if internal inspection of the cylinder or hydrostatic testing is necessary, and checking for cuts, bulges, dents, abrasions, corrosion, condition of paint, shell hanger attachment, maintenance of nameplate, weight of contents, pressure gauge, valve, removal of pull pin, discharge nozzle, hose assembly, and operating instructions.

Section 10. License requirement; injunction. No person shall act as a fire equipment distributor or employee, or advertise or assume to act as such, or use any title implying that such person is engaged in such practice or occupation unless licensed by the State Fire Marshal.

No firm, association, or corporation shall act as an agency licensed under this Act, or advertise or assume to act as such, or use any title implying that the firm, association, or corporation is engaged in such practice, unless licensed by the State Fire Marshal.

The State Fire Marshal, in the name of the People and through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin any person who has not been issued a license or whose license has been suspended, revoked, or not renewed from practicing a licensed activity, and upon the filing of a verified petition, the court, if satisfied by affidavit or otherwise, that such person is or has been practicing in violation of this Act may enter a temporary restraining order or preliminary injunction, without bond, enjoining the defendant from such further activity. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it is established that the defendant has been or is practicing in violation of this Act, the court may enter a judgment perpetually enjoining the defendant from such further activity. In case of violation of any injunctive order or judgment entered under the provisions of this Section, the court may summarily try and punish the offender for contempt of court. Such injunctive proceeding shall be in addition to all penalties and other remedies in this Act.

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

Section 15. Exemptions.

(a) This Act shall not apply to an officer or employee of this State or the fire department or fire protection district of any political subdivision of this State while such officer or employee is engaged in the performance of his or her official duties within the course and scope of his or her employment with this State, or any political subdivision. However, any such person who offers his or her services as a private fire equipment distributor or employee, or any title where similar services are performed for compensation, fee, or other valuable consideration, whether received directly or indirectly, shall be subject to this Act and its licensing requirements.

(b) Any person who engages in hydrostatic testing of fire equipment but does not service, recharge, install, maintain, or inspect such equipment shall not be required to be licensed under this Act.

Section 20. Deposit of fees. All fees collected under this Act shall be deposited into the Fire Prevention Fund.

Section 25. Fire Equipment Distributor and Employee Advisory Board. There is created the Fire Equipment Distributor and Employee Advisory Board consisting of 9 members to be appointed by the State Fire Marshal as soon as practicable after the effective date of this Act. Two of the members shall possess at least a Class A Fire Distributor License, 2 shall possess at least a Class B Fire Distributor License, 2 shall possess at least a Class C Fire Distributor License, 2 shall be representatives of the active fire prevention services who are not licensed under this Act, and one shall be a public member who is not licensed under this Act or a similar Act of another jurisdiction and who has no connection with any business licensed under this Act. The State Fire Marshal shall be an ex officio member of the Board. Each member shall be a resident of Illinois. Each appointment to the Board shall have a minimum of 5 years' experience as a licensee in the field in which the person is licensed, be an officer in a licensed fire equipment distributor company, and be actively engaged in the fire equipment business. In making Board appointments, the State Fire Marshal shall give consideration to the recommendations by members of the profession and by organizations therein. The membership shall reasonably reflect representation from geographic areas in this State.

Each Board member shall serve for a term of 4 years and until his or her successor is appointed and qualified. However, in making initial appointments, one member shall be appointed to serve for one year, 2 shall be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years, and the remaining members, one of whom shall be the public member, shall be appointed to serve for 4 years. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the

vacated term. Initial terms shall begin upon the effective date of this Act.

A member of the Board may be removed from office for just cause. A member subject to formal disciplinary proceedings shall disqualify himself or herself from Board business until the charge is resolved. A member also shall disqualify himself or herself from any matter on which the member may not objectively make a decision.

Board members shall receive no compensation, but shall be reimbursed for expenses incurred in connection with their duties as board members.

Five members shall constitute a quorum. A majority vote of the Board is required for a Board decision.

The Board shall elect from its membership a chairman and other officers as it may deem necessary.

Board members shall not be liable for any of their acts, omissions, decisions, or any other conduct in connection with their duties on the Board, except those involving willful, wanton, or intentional misconduct.

The Board may have such powers as may be granted by the State Fire Marshal to carry out the provisions of this Act.

Section 30. Rules; report.

(a) The State Fire Marshal shall adopt rules consistent with the provisions of this Act for the administration and enforcement thereof, and may prescribe forms that shall be issued in connection therewith. The rules shall include standards and criteria for registration, professional conduct, and discipline. The State Fire Marshal shall consult with the Board in adopting all rules under this Act.

(b) The Board shall propose to the State Fire Marshal additions or modifications to administrative rules whenever a majority of the members believes the rules are deficient for the proper administration of this Act.

(c) The State Fire Marshal may solicit the advice and expert knowledge of the Board on any matter relating to the administration and enforcement of this Act.

(d) In the adopting of rules relating to fire equipment distributors and employees, the State Fire Marshal shall be guided by the national fire safety standards and codes and fire equipment and facility standards and code, including, but not limited to, those adopted by the National Fire Protection Association and the National Association of Fire Equipment Distributors.

(e) In the adopting of rules relating to the maintenance and operation of hydrostatic testing equipment and tools for all fire equipment distributors and employees, the State Fire Marshal shall be guided by the requirements of the United States Department of Transportation as set forth in Section 173.34(e)(1) of Title 49 of Code of Federal Regulations.

(f) The State Fire Marshal shall by rule establish procedures for an applicant for any class fire equipment employee license to work for a licensed fire equipment distributor for training.

(g) The rules adopted by the Office of the State Fire Marshal under the Fire Equipment Distributor and Employee Regulation Act of 2000 shall remain in effect until such time as the Office of the State Fire Marshal adopts rules under this Act.

(h) The State Fire Marshal shall issue to the Board prior to each Board meeting, but not less than quarterly, a report of the status of all convictions related to the profession received by the State Fire Marshal.

Section 35. Personnel. The State Fire Marshal may employ, in conformity with the Personnel Code, such professional, technical, investigative, or clerical help, on either a full or part-time basis, as may be necessary for the enforcement of this Act. Each investigator shall have a minimum of 2 years' investigative experience out of the preceding 5 years.

An investigator may not hold an active license issued under this Act or have any fiduciary interest in any business licensed under this Act. This prohibition does not, however, prohibit an investigator from holding stock in a publicly-traded business licensed or regulated under this Act, provided that the investigator does not hold more than 5% of the stock in the business.

Section 40. Qualifications for licensure; fees.

(a) No person shall engage in practice as a fire equipment distributor or fire equipment employee without first applying for and obtaining a license for that purpose from the Office of the State Fire Marshal.

(b) To qualify for a Class A Fire Equipment Distributor License to service, recharge, hydro-test, install, maintain, or inspect all types of fire extinguishers, an applicant must provide all of the following:

(1) An annual license fee of \$100.

(2) Evidence of registration as an Illinois corporation or evidence of compliance with the Assumed Business Name Act.

(3) Evidence of financial responsibility in a minimum amount of \$300,000 through

liability insurance, self-insurance, group insurance, group self-insurance, or risk retention groups.

(c) To qualify for a Class B Fire Equipment Distributor License to service, recharge, hydro-test, install, maintain, or inspect all types of pre-engineered fire extinguishing systems, an applicant must provide all of the following:

(1) An annual license fee of \$200.

(2) Evidence of registration as an Illinois corporation or evidence of compliance with the Assumed Business Name Act.

(3) Evidence of financial responsibility in a minimum amount of \$300,000 through liability insurance, self-insurance, group insurance, group self-insurance, or risk retention groups.

(4) Evidence of owning, leasing, renting, or having access to proper testing equipment that is in compliance with the national standards adopted by the State Fire Marshal for the maintenance and operation of testing tools for use with all Class B fire equipment.

(d) To qualify for a Class C Fire Equipment Distributor License to service, repair, hydro-test, inspect, and engineer all types of engineered fire suppression systems, an applicant must provide all of the following:

(1) An annual license fee of \$300.

(2) Evidence of registration as an Illinois corporation or evidence of compliance with the Assumed Business Name Act.

(3) Evidence of financial responsibility in a minimum amount of \$300,000 through liability insurance, self-insurance, group insurance, group self-insurance, or risk retention groups.

(4) Evidence of owning, leasing, renting, or having access to proper testing equipment that is in compliance with the national standards adopted by the State Fire Marshal for the maintenance and operation of testing tools for use with all Class C fire equipment.

(e) To qualify for a Class 1 Fire Equipment Employee License to service, recharge, hydro-test, install, maintain, or inspect all types of fire extinguishers, an applicant must complete all of the following:

(1) Pass the examination.

(2) Pay an annual license fee of \$20.

(3) Provide a current photograph at least 1" x 1" in size.

(f) To qualify for a Class 2 Fire Equipment Employee License to service, recharge, hydro-test, install, maintain, or inspect all types of pre-engineered fire extinguishing systems, an applicant must complete all of the following:

(1) Pass the examination.

(2) Pay an annual license fee of \$20.

(3) Provide a current photograph at least 1" x 1" in size.

(g) To qualify for a Class 3 Fire Equipment Employee License to service, recharge, hydro-test, maintain, inspect, or engineer all types of engineered fire extinguishing systems, an applicant must complete all of the following:

(1) Pass the examination.

(2) Pay an annual license fee of \$20.

(3) Provide a current photograph at least 1" x 1" in size.

Section 45. Applications. Each application for a license to practice under this Act shall be in writing and signed by the applicant on forms provided by the State Fire Marshal.

Section 50. Examinations.

(a) Applicants for licensure shall be examined as provided in this Section if they are qualified to be examined under this Act. All applicants who are admitted to the examination shall be evaluated upon the same standards as others being examined for the respective license.

(b) Examination for licensure shall be at such times and places as the State Fire Marshal may determine, but shall be given at least quarterly.

(c) Examinations shall test the minimum amount of knowledge and skill needed to perform the duties set forth in the definition of the license and be in the interest of protection of the public. The State Fire Marshal may contract with a testing service for the preparation and conduct of such examination.

(d) If an applicant neglects, fails, or refuses to take an examination under this Act within one year after filing his or her application, the fee paid by the applicant shall be forfeited. However, the applicant may thereafter make a new application for examination, accompanied by the required fee.

Section 55. Licensure without examination. The State Fire Marshal shall adopt rules for licensure without examination and may license under this Act without examination, on payment of the required fee, an applicant who is registered under the laws of another state or territory or of another country, if the

requirements for registration in the jurisdiction in which the applicant was licensed were, at the date of his registration, substantially equal to the requirements then in force in this State and that State, territory, or country has similar rules for licensure.

Section 60. Issuance of license; renewal.

(a) The State Fire Marshal shall, upon the applicant's satisfactory completion of the requirements authorized under this Act and upon receipt of the requisite fees, issue the appropriate license and wallet card showing the name and business location of the licensee, the dates of issuance and expiration, and shall contain a photograph of the licensee provided to the State Fire Marshal.

(b) Any license valid on December 31, 2010 under the Fire Equipment Distributor and Employee Regulation Act of 2000 shall be a valid license under this Act and expires when the valid license issued under the Fire Equipment Distributor and Employee Regulation Act of 2000 was scheduled to expire.

(c) Each licensee may apply for renewal of his license upon payment of fees, as set forth in this Act. The expiration date and renewal period for each license issued under this Act shall be set by rule. Failure to renew within 60 days of the expiration date shall lapse the license. A lapsed license may not be reinstated until a written application is filed, the renewal fee is paid, and a \$50 reinstatement fee is paid. Renewal and reinstatement fees shall be waived for persons who did not renew while on active duty in the military and who file for renewal or restoration within one year after discharge from such service. A lapsed license may not be reinstated after 5 years have elapsed, except upon passing an examination to determine fitness to have the license restored and by paying the required fees.

(d) As a condition of renewal of a license, the State Fire Marshal may require the licensee to report information pertaining to his practice which the State Fire Marshal determines to be in the interest of public safety.

(e) All fees paid under this Act are non-refundable.

Section 65. Returned checks. Any person who on 2 occasions issues or delivers a check or other order to the State Fire Marshal that is not honored by the financial institution upon which it is drawn because of insufficient funds on account shall pay to the State Fire Marshal, in addition to the amount owing upon the check or other order, a fee of \$50. The State Fire Marshal shall notify the licensee whose license has lapsed, within 30 days after the discovery by the State Fire Marshal that the licensee is practicing without a current license, that the individual, person, or distributor is acting as a fire equipment distributor or employee, as the case may be, without a license, and the amount due to the State Fire Marshal, which shall include the lapsed renewal fee and all other fees required by this Section. If after the expiration of 30 days from the date of such notification, the licensee whose license has lapsed seeks a current license, he shall thereafter apply to the State Fire Marshal for reinstatement of the license and pay all fees due to the State Fire Marshal. The State Fire Marshal may establish a fee for the processing of an application for reinstatement of a license that allows the State Fire Marshal to pay all costs and expenses incident to the processing of this application. The State Fire Marshal may waive the fees due under this Section in individual cases where he finds that the fees would be unreasonable or unnecessarily burdensome.

Section 70. Change of address; display of license; duplicate license or certificate.

(a) A licensee shall report a change in home or office address within 10 days of when it occurs.

(b) Each licensee shall prominently display his or her license to practice at each place from which the practice is being performed. If more than one location is used, branch office certificates shall be issued upon payment of the fees to be established by the State Fire Marshal. Each fire equipment employee shall carry on his or her person a wallet card issued by the State Fire Marshal.

(c) If a license or certificate is lost, a duplicate shall be issued upon payment of the required fee to be established by the State Fire Marshal. If a licensee wishes to change his or her name, the State Fire Marshal shall issue a license in the new name upon satisfactory proof that such change was done in accordance with law and upon payment of the required fee.

(d) Each licensee shall permit his or her facilities to be inspected by representatives of the State Fire Marshal.

Section 75. Grounds for disciplinary sanctions. Licensees subject to this Act shall conduct their practice in accordance with this Act and with any rules adopted under this Act. Licensees shall be subject to the exercise of the disciplinary sanctions enumerated in Section 90 if the State Fire Marshal finds that a licensee is guilty of any of the following:

- (1) fraud or material deception in obtaining or renewing of a license;
- (2) professional incompetence as manifested by poor standards of service;
- (3) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public in the course of professional services or activities;

(4) conviction of any crime by a licensee that has a substantial relationship to his or her practice or an essential element of which is misstatement, fraud, or dishonesty, or conviction in this or another state of any crime that is a felony under the laws of Illinois or conviction of a felony in a federal court, unless the person demonstrates that he or she has been sufficiently rehabilitated to warrant the public trust;

(5) performing any services in a grossly negligent manner or permitting any of his or her licensed employees to perform services in a grossly negligent manner, regardless of whether actual damage or damages to the public is established;

(6) habitual drunkenness or habitual addiction to the use of morphine, cocaine, controlled substances, or other habit-forming drugs;

(7) directly or indirectly willfully receiving compensation for any professional services not actually rendered;

(8) having disciplinary action taken against his or her license in another state;

(9) making differential treatment against any person to his or her detriment because of race, color, creed, sex, religion, or national origin;

(10) engaging in unprofessional conduct;

(11) engaging in false or misleading advertising;

(12) contracting or assisting unlicensed persons to perform services for which a license is required under this Act;

(13) permitting the use of his or her license to enable any unlicensed person or agency to operate as a licensee;

(14) performing and charging for services without having authorization to do so from the member of the public being served;

(15) failure to comply with any provision of this Act or the rules adopted under this Act;

(16) conducting business regulated by this Act without a currently valid license.

Section 80. Complaints. All complaints concerning violations regarding licensees or unlicensed activity shall be received and logged by the State Fire Marshal and reported to the Board.

Section 85. Formal charges.

(a) Following the investigative process, the State Fire Marshal may file formal charges against the licensee. The formal charges shall, at a minimum, inform the licensee of the facts that make up the basis of the charge and that are specific enough to enable the licensee to defend himself.

(b) Each licensee whose conduct is the subject of a formal charge that seeks to impose disciplinary action against the licensee shall be served notice of said formal charge at least 30 days before the date of the hearing, which shall be presided over by a hearing officer authorized by the State Fire Marshal. Service shall be considered to have been given if the notice was personally received by the licensee or if the notice was sent by certified mail, return receipt requested to the licensee at the licensee's last known address, as listed with the State Fire Marshal.

(c) The notice of formal charges shall consist at a minimum of the following information:

(1) the time, place, and date of the hearing;

(2) that the licensee shall appear personally at the hearing and may be represented by counsel;

(3) that the licensee shall have the right to produce witnesses and evidence in his behalf and shall have the right to cross-examine witnesses and refute evidence produced against him or her;

(4) that the hearing could result in disciplinary action being taken against his or her license;

(5) that rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy;

(6) that a hearing officer authorized by the State Fire Marshal shall preside at the hearing and following the conclusion of said hearing shall make findings of fact, conclusions of law, and recommendations, separately stated, to the State Fire Marshal as to what disciplinary action, if any, should be imposed on the licensee; and

(7) that the State Fire Marshal may continue such hearing.

(d) The hearing officer authorized by the State Fire Marshal shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee, if any. At the conclusion of the hearing, the hearing officer shall make findings of fact, conclusions of law, and recommendations, separately stated, and submit them to the State Fire Marshal and to all parties to the proceeding. Submission to the licensee shall be considered as having been made if done in a similar fashion as service of the notice of formal

charges. Within 20 days after such service, any party to the proceeding may present to the State Fire Marshal a motion, in writing, for a rehearing which written motion shall specify the particular grounds therefor.

(e) The State Fire Marshal, following the time allowed for filing a motion for rehearing, shall review the hearing officer's findings of fact, conclusions of law, and recommendations, and any motions filed subsequent thereto. After review of such information the State Fire Marshal may hear oral arguments and thereafter shall issue an order. The report of findings of fact, conclusions of law, and recommendations of the hearing officer shall be the basis for the State Fire Marshal's order. If the State Fire Marshal finds that substantial justice was not done, he or she may issue an order in contravention of the findings of fact, conclusions of law, and recommendations of the hearing officer. The State Fire Marshal shall provide the Board with written explanation of any such deviation, and shall specify with particularity the reasons for said action. The finding is not admissible in evidence against the person in criminal prosecution brought for the violation of this Act.

(f) All proceedings under this Section are matters of public record and shall be preserved.

Section 90. Disciplinary sanctions; hearings.

(a) The State Fire Marshal shall impose any of the following sanctions, singly or in combination, when he or she finds that a licensee is guilty of any offense described in Section 75:

- (1) revocation;
- (2) suspension for any period of time;
- (3) reprimand or censure;
- (4) placement on probationary status and the requirement of the submission of any of the following:
 - (i) report regularly to the Board or State Fire Marshal upon matters that are the basis of the probation;
 - (ii) continuation or renewal of professional education until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
 - (iii) such other reasonable requirements or restrictions as are proper;
- (5) refusal to issue, renew, or restore;
- (6) revocation of probation that has been granted and imposition of any other discipline

in this subsection (a) when the requirements of probation have not been fulfilled or have been violated.

(b) The State Fire Marshal may summarily suspend a license under this Act, without a hearing, simultaneously with the filing of a formal complaint and notice for a hearing provided under this Section if the State Fire Marshal finds that the continued operations of the individual would constitute an immediate danger to the public. In the event the State Fire Marshal suspends a license under this subsection, a hearing by the hearing officer designated by the State Fire Marshal shall begin within 20 days after such suspension begins, unless continued at the request of the licensee.

(c) Disposition may be made of any formal complaint by consent order between the State Fire Marshal and the licensee, but the Board must be apprised of the full consent order in a timely way.

(d) The State Fire Marshal shall reinstate any license to good standing under this Act, upon recommendation to the State Fire Marshal, after a hearing before the hearing officer authorized by the State Fire Marshal. The State Fire Marshal shall be satisfied that the applicant's renewed practice is not contrary to the public interest.

(e) The State Fire Marshal may order a licensee to submit to a reasonable physical examination if his or her physical capacity to practice safely is at issue in a disciplinary proceeding. Failure to comply with a State Fire Marshal order to submit to a physical examination shall render a licensee liable to the summary suspension procedures described in this Section.

(f) The State Fire Marshal may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this Act without having a valid license, certificate, or registration. Any person in violation of a cease and desist order entered by the State Fire Marshal shall be subject to all of the remedies provided by law, and in addition, shall be subject to a civil penalty payable to the party injured by the violation.

(g) The State Fire Marshal shall seek to achieve consistency in the application of the foregoing sanctions and consent orders and significant departure from prior decisions involving similar conduct shall be explained in the State Fire Marshal's orders.

Section 95. Witnesses; record of proceedings.

(a) The State Fire Marshal has 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 is prescribed by law for judicial proceedings in civil cases. The State Fire Marshal and the hearing officer approved by the State Fire Marshal have the power to administer oaths at any hearing that the State Fire Marshal is authorized to conduct.

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

(c) The State Fire Marshal, at its expense, shall provide a stenographer or a mechanical recording device to record the testimony and preserve a record of all proceedings at the hearing of any case wherein a license may be revoked, suspended, or placed on probationary status or other disciplinary action taken with regard to the license. 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 hearing officer, and the orders of the State Fire Marshal constitute the record of such proceedings. The State Fire Marshal shall furnish a transcript of the record to any interested person upon payment of the costs of copying and transmitting the record.

Section 100. Judicial review. All final administrative decisions of the State Fire Marshal are subject to judicial review under the provisions of the Administrative Review Law and the rules adopted under this Act. Such proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides. If the party applying for review is not a resident of Illinois, the venue shall be in Sangamon County. The State Fire Marshal 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 State Fire Marshal acknowledging payment of the costs of furnishing and certifying the record which costs shall be computed at the cost of preparing such record. Exhibits shall be certified without cost. Failure on the part of the licensee to file the receipt in court shall be grounds for dismissal of the action. During all judicial proceedings incident to the disciplinary action, the sanctions imposed upon the accused by the State Fire Marshal shall remain in effect, unless the court feels justice requires a stay of the Order.

Section 105. Order; prima facie proof. An order of revocation, suspension, placing the license on probationary status or other formal disciplinary action as the State Fire Marshal may deem proper, or a certified copy thereof, over the seal of the State Fire Marshal and purporting to be signed by the State Fire Marshal, is prima facie proof that:

- (1) the signature is that of the State Fire Marshal;
- (2) the State Fire Marshal is qualified to act; and
- (3) the hearing officer is qualified to act on behalf of the State Fire Marshal.

Such proof may be rebutted.

Section 110. Surrender of license. Upon the suspension or revocation of a license issued under this Act, a licensee shall surrender the license to the State Fire Marshal and, upon failure to do so, the State Fire Marshal shall seize the same.

Section 115. Publication of records. The State Fire Marshal shall, upon request, publish a list of the names and addresses of all licensees under the provisions of this Act. The State Fire Marshal shall publish a list of all persons whose licenses have been disciplined within one year, and a quarterly list of each individual who was denied employment status because of a criminal history, together with such other information as it may deem of interest to the public.

Section 120. Criminal penalties.

(a) Any person who violates any of the following provisions shall be guilty of a Class A misdemeanor for the first offense:

- (1) the practice of or attempted practice as a fire equipment distributor or employee without a license;
- (2) the obtaining of or the attempting to obtain a license, practice, or business or any other thing of value by fraudulent representation;
- (3) permitting, directing, or authorizing any person in one's employ or under one's direction or supervision to work or serve as a licensee if that individual does not possess an appropriate valid license.

(b) Whenever any person is punished as a repeat offender under this Section, the State Fire Marshal may proceed to obtain a permanent injunction against the person under Section 10.

(c) If any person in making an oath or affidavit required by this Act swears falsely, that person is guilty of perjury and upon conviction thereof, may be punished accordingly.

(d) A person who violates any Section of this Act other than this Section shall be guilty of a Class A

misdemeanor for the first offense.

A second or subsequent offense in violation of any Section of this Act, including this Section, is a Class 4 felony.

Section 900. The Regulatory Sunset Act is amended by changing Section 4.23 as follows:
(5 ILCS 80/4.23)

Sec. 4.23. Acts and Sections repealed on January 1, 2013. The following Acts and Sections of Acts are repealed on January 1, 2013:

The Dietetic and Nutrition Services Practice Act.

The Elevator Safety and Regulation Act.

The Fire Equipment Distributor and Employee Regulation Act of 2011.

The Funeral Directors and Embalmers Licensing Code.

The Naprapathic Practice Act.

The Professional Counselor and Clinical Professional Counselor Licensing Act.

The Wholesale Drug Distribution Licensing Act.

Section 2.5 of the Illinois Plumbing License Law.

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

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

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

SENATE BILL 3976. Having been reproduced, was taken up and read by title a second time.

Committee Amendment No. 1 lost in the Committee on Executive.

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

HOUSE JOINT RESOLUTIONS CONSTITUTIONAL AMENDMENTS SECOND READING

HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 61 was taken up and read in full a second time and held on the order of Second Reading.

SUSPEND POSTING REQUIREMENTS

Pursuant to Rule 25, Representative Currie moved to suspend the posting requirements of Rule 21 in relation to Senate Bills 352, 647, 3952, 3973 and House Joint Resolution Constitutional Amendment 62.

The motion prevailed.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1563, 1564 and 1565 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

At the hour of 5:51 o'clock p.m., Representative Currie moved that the House do now adjourn until Tuesday, January 4, 2011, at 1:30 o'clock p.m., allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

January 03, 2011

0 YEAS

0 NAYS

110 PRESENT

P Acevedo	P Davis, William	P Kosel	P Reboletti
P Arroyo	P DeLuca	P Lang	P Reis
P Bassi	P Dugan	P Leitch	P Reitz
P Beaubien	P Dunkin	P Lilly	P Riley
P Beiser	P Durkin	P Lyons	P Rita
P Bellock	P Eddy	P Mathias	P Rose
P Berrios	P Farnham	P Mautino	P Sacia
E Biggins	P Feigenholtz	P May	P Saviano
P Boland	P Flider	P Mayfield	P Schmitz
P Bost	P Flowers	P McAsey	P Senger
E Bradley	P Ford	P McAuliffe	P Sente
P Brady	P Fortner	P McCarthy	P Smith
P Brauer	P Franks	P McGuire	P Sommer
P Burke	P Froehlich	E Mell	P Soto
E Burns	P Gabel	P Mendoza	P Stephens
P Carberry	P Golar	E Miller	P Sullivan
P Cavaletto	P Gordon, Careen	P Mitchell, Bill	P Thapedi
P Chapa LaVia	P Gordon, Jehan	P Mitchell, Jerry	P Tracy
E Coladipietro	P Hammond	P Moffitt	P Tryon
P Cole	P Hannig	P Moore	P Turner
P Collins	P Harris	E Mulligan	P Verschoore
P Colvin	P Hatcher	P Nekritz	P Wait
P Connelly	P Hays, Chad	P O'Sullivan	P Walker
P Coulson	P Hernandez	P Osmond	P Watson
P Crespo	P Hoffman	P Osterman	P Winters
P Cross	P Holbrook	P Phelps	P Yarbrough
P Cultra	P Howard	P Pihos	P Zalewski
P Currie	P Jackson	P Poe	P Mr. Speaker
P D'Amico	P Jakobsson	E Pritchard	
P Davis, Monique	P Jefferson	P Ramey	

E - Denotes Excused Absence

158TH LEGISLATIVE DAY

Perfunctory Session

MONDAY, JANUARY 3, 2011

At the hour of 11:32 o'clock a.m., the House convened perfunctory session.

SENATE BILL ON FIRST READING

Having been reproduced, the following bill was taken up, read by title a first time and placed in the Committee on Rules: SENATE BILL 458 (Currie).

**HOUSE JOINT RESOLUTIONS
CONSTITUTIONAL AMENDMENTS
FIRST READING**

Representative Madigan introduced the following:

**HOUSE JOINT RESOLUTION
CONSTITUTIONAL AMENDMENT 62**

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Article XIII of the Illinois Constitution by adding Section 5.1 as follows:

**ARTICLE XIII
GENERAL PROVISIONS**

SECTION 5.1. PENSION BENEFIT INCREASES

(a) A bill shall not become a law without the concurrence of three-fifths of the members elected to each house of the General Assembly if that bill increases a benefit under any pension or retirement system of the State, any unit of local government or school district, or any agency or instrumentality thereof. However, if the Governor vetoes a bill so passed by returning it with his objections to the house in which it originated, then that bill shall not become law unless, upon its return, it is passed by a record vote of two-thirds of the members elected to each house of the General Assembly. Likewise, if the Governor returns a bill so passed with specific recommendations for change to the house in which it originated, then those recommendations may be accepted only by a record vote of two-thirds of the members elected to each house of the General Assembly. The provisions of this subsection (a) apply notwithstanding Article IV.

(b) An ordinance, resolution, or other action of the governing body of any unit of local government or school district shall not be valid without the concurrence of three-fifths of the members of that governing body if that ordinance, resolution, or other action increases a benefit under any pension or retirement system for officials or employees of that unit of local government or school district, or any agency or instrumentality thereof.

(c) For the purposes of this Section, a bill, ordinance, resolution, or other action increases a benefit if it increases the amount of an existing benefit, adds a new benefit, or expands the class of persons eligible for a benefit, regardless of whether it includes an increase in contributions or a reduction in any other benefit.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

The foregoing HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 62 was taken up, read in full a first time, ordered reproduced and placed in the Committee on Rules.

At the hour of 11:34 o'clock a.m., the House Perfunctory Session adjourned.

At the hour of 6:10 o'clock p.m., the House reconvened perfunctory session.

INTRODUCTION AND FIRST READING OF BILLS

The following bill was introduced, read by title a first time, ordered reproduced and placed in the Committee on Rules:

HOUSE BILL 6958. Introduced by Representative Fortner, AN ACT concerning elections.

At the hour of 6:10 o'clock p.m., the House Perfunctory Session adjourned.